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MONTANA LEGISLATIVE HISTORY

Chapter 155 19 91

Bill H _____ S 200 Original bill & history ____C

H. Committee on Human Services & Aging			S. Committee on Public Health, Welfare & Safety		
Hearing Date(s)	Mar 08	✓ C	Hearing Date(s)	Feb 15	✓ C
	Mar 09	✓ C		Feb 16	✓ C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Mar 09	✓ C		Feb 18	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/12	FIRST READING		
2/12	REFERRED TO JUDICIARY		
3/20	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/23	2ND READING CONCURRED	91	0
3/25	3RD READING CONCURRED	94	1
	RETURNED TO SENATE		
3/28	SIGNED BY PRESIDENT		
4/01	SIGNED BY SPEAKER		
4/02	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 328	EFFECTIVE DATE: 4/04/91	

SB 199 INTRODUCED BY B. BROWN, ET AL.
AMEND HOUSING DISCRIMINATION LAWS
TO CONFORM TO FEDERAL LAW
BY REQUEST OF COMMISSION FOR HUMAN RIGHTS

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/25	FIRST READING		
1/25	FISCAL NOTE REQUESTED		
1/30	FISCAL NOTE RECEIVED		
2/01	FISCAL NOTE PRINTED		
2/06	HEARING		
2/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/11	2ND READING PASSED	48	0
2/12	3RD READING PASSED	47	1
	TRANSMITTED TO HOUSE		
2/13	FIRST READING		
2/13	REFERRED TO JUDICIARY		
3/20	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
4/05	2ND READING CONCURRED AS AMENDED	83	12
4/06	3RD READING CONCURRED	89	9
	RETURNED TO SENATE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS NOT CONCURRED	45	0
4/16	CONFERENCE COMMITTEE APPOINTED		
4/22	CONFERENCE COMMITTEE DISSOLVED		
4/22	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	49	0
4/24	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	1
	HOUSE		
4/18	CONFERENCE COMMITTEE APPOINTED		
4/23	CONFERENCE COMMITTEE DISSOLVED		
4/23	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/24	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	85	15
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	87	13
4/30	SIGNED BY PRESIDENT		
5/03	SIGNED BY SPEAKER		
5/03	TRANSMITTED TO GOVERNOR		
5/17	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 801	EFFECTIVE DATE: 10/01/91	

SB 200 INTRODUCED BY VAUGHN, ET AL.
REVISE LICENSING-RECORDKEEPING-TRAINING REQUIREMENTS

FOR HEARING AID DISPENSERS

1/25	INTRODUCED		
1/25	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
1/26	FIRST READING		
2/15	HEARING		
2/18	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/19	2ND READING PASSED	49	1
2/20	3RD READING PASSED	46	3
	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO HUMAN SERVICES & AGING		
3/08	HEARING		
3/09	COMMITTEE REPORT—BILL CONCURRED		
3/12	2ND READING CONCURRED	97	1
3/14	3RD READING CONCURRED	98	1
	RETURNED TO SENATE		
3/19	SIGNED BY PRESIDENT		
3/20	SIGNED BY SPEAKER		
3/20	TRANSMITTED TO GOVERNOR		
3/25	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 155	EFFECTIVE DATE: 10/01/91	

SB 201 INTRODUCED BY B. BROWN

REQUIRE COUNTY ATTORNEY TO SERVE AS LEGAL ADVISER TO FIRE SERVICE AREAS

1/25	INTRODUCED		
1/25	REFERRED TO JUDICIARY		
1/26	FIRST READING		
2/04	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED		
2/07	2ND READING PASSED	49	0
2/08	3RD READING PASSED	43	0
	TRANSMITTED TO HOUSE		
2/09	FIRST READING		
2/09	REFERRED TO LOCAL GOVERNMENT		
3/07	HEARING		
3/08	COMMITTEE REPORT—BILL CONCURRED		
3/08	PLACED ON CONSENT CALENDAR		
3/11	3RD READING CONCURRED	93	6
	RETURNED TO SENATE		
3/14	SIGNED BY PRESIDENT		
3/15	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 88	EFFECTIVE DATE: 10/01/91	

SB 202 INTRODUCED BY HAGER, ET AL.

INFORMATION AGENTS TO REPORT INTEREST FROM EXEMPT GOVERNMENT OBLIGATIONS

1/25	INTRODUCED		
1/25	REFERRED TO TAXATION		
1/26	FIRST READING		
2/05	HEARING		
2/06	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED	46	0
2/09	3RD READING PASSED	46	1
	TRANSMITTED TO HOUSE		
2/11	FIRST READING		
2/11	REFERRED TO TAXATION		
3/05	HEARING		

The chairman recognized Senator Towe who asked if there was a reduction in another area of Medicaid.

The chairman recognized Nancy Ellery who said yes there will be but it is hard to quantify the amount. There will be people served who might not need to see a psychologist or enter the out-patient hospital setting at a higher cost.

Senator Towe asked Senator Keating about the principal patients that receive the services.

Senator Keating said sexual abuse and chemical dependency clients are common. He said in a number of cases the people have gone to licensed professional counselors and found out they were not Medicaid eligible so they go through another provider. In the rural areas they usually end up with a physician who listens to their problems. The Medicaid bill comes to $90.00 per hour instead of $30.00 per hour. This is where we hope to see a savings.

Closing by Sponsor:

Senator Keating thanked the committee for a good hearing and said it is an important bill.

HEARING ON SENATE BILL 200

Presentation and Opening Statement by Sponsor:

Senator Vaughn opened by saying this bill is a consumer protection measure. This bill provides protection for persons who purchase hearing aids and affiliated devices. She said hearing loss significantly affects our social, educational and economic lives. It most certainly has a profound impact on our ability to communicate effectively. The loss of hearing can result with an impact on communication and can easily segregate the hearing impaired person from their family, friends and colleagues. The purpose of SB 200 is to assure hearing impaired persons and their families some measure of quality hearing health care. The primary complaint is that the consumer does not feel that he/she is benefiting from the hearing aid. The consumer's also state they cannot obtain satisfaction from the dispenser and they are unable to obtain a refund. Most complaints are focused on hearing aid dispenser trainees. They can dispense hearing aids for a three year period without obtaining a license. The trainees are hired, disbursed throughout the state with no responsibility by the licensed employer.

She read from the bill, explained the proposed changes and handed out a proposed amendment (Exhibit #3.)

Proponents' Testimony:

The first witness to testify was Ben Hardahl, representing himself. See Exhibit #4 for a copy of his testimony. He is a public member of the Board of Hearing Aid Dispensers.

The second witness to testify was Lorraine Sedahl, from Havre, Montana and representing herself. She stated the harassment, frustration and confusion she has experienced in dealing with hearing aid salesmen. She urged passage of the bill.

The third witness to testify was Darryl Micken, private practice in audiology in Bozeman, Montana. See Exhibit #5 for a copy of his remarks. He said he has had experience with similar bills and said this bill is aimed at consumer protection. He spoke of the proposed amendment and said he was in agreement. He read from page 7 of the bill, regarding the training period and said he thought the intention was to ensure their was some kind of contact for the trainee during that period of time. He said they have listened to the comments of the people in the business and said they felt that was unduly restraining. He offered the following amendment: on line 9, amend the language to say 'work for the first 90 days under direct supervision during which he may do the testing necessary for proper selection and fitting of hearing aids and related devices and make necessary impressions. However, delivery and final fitting of the hearing aid or related devices must be made by the supervisor and trainee.'

Due to time constraints, the chairman asked the remaining proponents to stand and introduce themselves. They were:
Pat Engels from Butte,
Fred Patten from the American Association of Retired Persons, (Exhibit #6 for a copy of his testimony)
Evelyn Paugh,
Glenn Hladek (Exhibit #7 for a copy of his testimony)
Rosemary Harrison from Missoula,
Lee Frantz from Missoula,
Jamie Small from Missoula,
Mona Jamison, the lobbyist for the Association.

Other testimony was submitted by the following persons:
Lee E. Micken (Exhibit #8).
Fred F. Bahnson (Exhibit #9).
Dudley Anderson (Exhibit #10).
Suzanne Johnson (Exhibit #11).
Mary Lou Garrett (Exhibit #12).
Tina Hoagland (Exhibit #13).
Kristy Foss (Exhibit #14).
Basil Andeoparlor (Exhibit #15).
William J. Erickson (Exhibit #16).

Opponents' Testimony:

The first witness was Byron Randall, representing the Rocky Mountain Hearing Aid Company and Miracle Ear Centers. See Exhibit #17 for a copy of his remarks.

The second witness was David Evans, representing the Montana Hearing Aid Society. See Exhibit #18 for a copy of his testimony.

The third witness was Walt Hopkins, owner of Prescription Design Hearing Aid Center. He is also a member of the Board of Dispensers. He said complaints have dropped. He said they guarantee their products and if the consumer is not satisfied they can return the product. He said most dispensers have that policy. He said the trainee program is more than adequate.

The fourth witness was William Fowler, past president of the Montana Hearing Aid Society. See Exhibit #19 for a copy of his testimony.

The fifth witness was Reg McCutcheon, a licensed hearing aid specialist in Montana. He said he operates in rural southwestern Montana. The majority of his patients are senior citizens. At least 60 percent would not be able to come in to a service center or an office. He said this bill will not enable them to properly serve their patients. For the last four years over 65 percent of his time was spent servicing aids in the home.

The sixth witness was Steve Wilson, owner of Canyon Ferry Hearing. He said he was neither an opponent or proponent of the measure but suggested if the hearing aid trainee was required to have accredited schooling it would elevate the grade of trainee. Secondly, if the hearing aid dispenser was required to print his license number on the business card or affiliated literature it would make them more accountable.

Questions From Committee Members:

The chairman recognized Senator Towe who asked about page 2 and the comments of Byron Randall.

Mr. Randall said if an individual is in charge and not necessarily physically present the intention is to require a chain of authority.

Senator Towe asked about related devices being undefined.

David Evans said to look at the definition of hearing aids. He said it was necessary to clarify the terms.

Senator Towe asked if the committee addressed the requirement of authority being present in the office and including a definition of related devices if it would satisfy the opposition.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3 4
DATE 2/15/91
BILL NO. SB 200,

February 15, 1991
SB 200
Ben Havdahl, Member,Board of Hearing Aid Dispensers

Madam Chairman and members of the committee. For the record my name is Ben Havdahl and I reside in Helena.

I am currently the member of the Board of Hearing Aid Dispensers classified as "the public member who is not in the hearing health care field". I was appointed in June, 1989 and reappointed for a three year term in July, 1990 by Governor Stephens.

Although the Board of Hearing Aid Dispensers has not officially taken a position on SB 200, I, for one, have some strong feelings in support of certain provisions of SB 200 of the bill designed to give more protection to the consumer. These are personal views but they are views from the perspective of my position and experience on the Board. I would like to thank this committee for this opportunity to express my views.

First all, I am severally hard-of-hearing as many of you know. I have a decibel threshold of 90 decibels in one ear and 89 in the other. When you consider that normal conversation can be readily heard and understood at about 15 decibels, you can see that I am bound and have been bound to be a wearer of hearing aids and assistive listening devices for at least the rest of my life.

I can say that it is no small unimportant matter, or responsibility that this Legislature has for the estimated 29,000 hard-of-hearing people with a significant bilateral hearing loss in the state who must, like myself, rely on hearing aids and/or assistive listening devices to function in a near normal capacity when attempting to understand verbal communication.

Those of us who find ourselves with this "invisible handicap" also find ourselves desperately seeking, at times, any and every possible solution and assistance, usually in a vain attempt to overcome or solve our problem .

As a result of our struggle to remain in the hearing world we sometimes fall as an easy prey to some unscrupulous persons seeking to make a quick buck by selling us hearing aids along with a promise that they will be a panacea for the resolve of our problem. A resolve at an expensive price I might add. Usually a pair of hearing aids cost anywhere from $1,500 to $2,000 and more, depending on the type of aid, who is selling them and what brand they may be.

For an awful lot of people, usually our older seniors, that is a great deal of money and when we find ourselves burned and or cheated we become desperate in seeking some sort of recourse. It becomes a price that we find ourselves having to pay for hearing restoration. And many people, I feel, let it go at that because of not knowing what to do about it.

SENATE COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Exhibit # 49
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: Feb. 15 1991

Name: Lorraine Dethill

Address: 604-11th St.

Havre MT 59501

Telephone Number: 265-5158

Representing Whom? Self

Appearing on which proposal? Senate Bill # 200

Do you: Support?____ Amend? V Oppose?____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

Exhibit #7
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/15/91

Name: Jamie A. Small M.A.

Address: 11385 Fillmont
Lolo, MT 59801

Telephone Number: (406) 273-2510

Representing Whom?
self

Appearing on which proposal?
200

Do you: Support? ✓ Amend?____ Oppose?____

Comments:

We have to have some control over the abuse going on in dispensing. Elderly people on a fixed income are being taken and they don't know where to turn. Meanwhile, certain dispensers are charging inordinate sums of money & disappearing.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

SB 200 addresses tha trainee period by requiring more direct superfision, for a longer period of time, before the trainee can function independently. It mandate 8 hours/week for ten months. This ten months of close supervision does not seem to be an unreasonable length of time, if it will ensure improved hearing health care to the consumer. Does it seem unreasonable to ask that someone who is going to provide this very important aspect of health care, be closely supervised for a total of 40 days over a period of 300 days. I submit to you that is is not only reasonable, but it would be irresponsible to consider this as anything toehr than minimal.

This is not a fight against anyone, rather it is a fight for the hearing impaired. We ought to be joining hands in this effort, the hearing aid dispenser, the audiologist, and the otolaryngologist, to proved the highest quality of hearing health care possible. We should not gauge our success by the number of instruments sold. If we are truly interested in improved communication skills, improved vocational potential, improved social involvement, then we must raise the standard of care provided the hearing impaired. We will dramatically increase the number of hearing aids sold, and the number of individuals helped, when we as a group, not just as individuals, raise the level of professional services that we provide. When the public recognizes the benefits from improved hearing that results when committed professionals are involved in their rehabilitation, then we will all have no probem dispensing all the hearing aids we can.

This bill does not solve all of our problems, no legislation will, but it goes a long way in making the hearing impaired consumer and their rehabilitation the focus of our attention. We sincerely believe and can demonstrate that with knowledge, skill, care, and patience, most hearing impaired individuals can benefit dramatically from rehabilitation, which includes the use of hearing aids. SB 200 exists to provide the hearing impaired consumer of Montana some assurance that a qualified person is dealing with their handicapp, and that satisfaction and improved communication skills is indeed a reality, and not just the hope of every hearing impaired person.

Thank you for this opportunity, and I ask for your support of SB 200.

Sincerely,

Glenn A. Hladek, M.S.

SENATE HEALTH & WELFARE
EXHIBIT NO. 7
DATE 2/15/91
BILL NO. 200

Glenn A. Hladek
803 Rimrock Rd.
Billings, MT. 59102

Public Health, Welfare, and Safety Committee
Chairman: Dorothy Eck
Vice Chairman: Eve Franklin
Members: Jim Burnett
Tom Hager
Judy Jacobson
Bob Picpinich
Dave Rye
Tom Towe

I am an audiologist from Billings, and am representing the Montana Speech-Language-Hearing Association. I am writing in support of SB 200.

As the primary profession involved in the identification and rehabilitation of hearing loss, we are concerned about the hearing impaired individuals and the service they receive in Montana. Approximately 80,000 Montanans are hearing impaired, nearly one in ten. The ability to communicate is the most human of traits. The inability to communicate effectively due to a hearing loss causes us embarrassment, it leads to social isolation, to potential employment and/or educational difficulties. It, in effect, touches all aspects of our lives. The primary instrument of rehabilitation for the vast majority of the 80,000 hearing-impaired Montanans is a hearing aid. They are miraculous instruments, and while they are not perfect, ask Basil Andrikopoulos from Billings, or Paul Lande from Lodge Grass, or ask my ten year old daughter the effect hearing aids have had on their lives.

We have a problem, hearing loss, and we have an effective rehabilitation tool, where then is the problem? Why does the hearing aid licensure board, the second smallest board in the state, receive the single largest number of complaints from consumers, nearly one per week? A review of the board complaints indicate that the vast majority of the complaints are directed at the trainee dispenser. For the most part it appears that fully licensed hearing aid dispensers are providing a useful and competent service. It appears clear that many of our problems stem from ill-trained, poorly supervised, and uncommitted trainee dispensers. Under the present law, a person can begin to dispense independently 60 days following the passage of the written exam. What other group of health care providers have such minimal requirements. There is no formal academic requirements, no extensive internship, only an interest in selling hearing aids, and the ability to pass the written examination. Is that the training and level of committment you want from the person providing service to you, your child, or more likely your parents, for a handicapping condition so devastating and yet so subtle as hearing loss.

Exhibit # 76
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2-15-91

Name: Lee Frantz

Address: 2332 W. Summit, Msla, MT 59803

Telephone Number: 251-5176

Representing Whom?

self

Appearing on which proposal?

SB 200

Do you: Support? ✓ Amend? ____ Oppose? ____

Comments:

I support this bill in hopes of helping consumers so they are able to receive appropriate services for their disability without fear of being taken advantage of. I have had numerous people tell me "horror" stories of trying to purchase aids but never filed a complaint. They did not know about the existence of the board.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

Exhibit # 7
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2-15-91

Name: Glenn A. Hladek

Address: 803 Rimrock Rd

Billings, MT

Telephone Number: 245-7877

Representing Whom?

MT Speech-Language-Hearing Association

Appearing on which proposal?

SB 200

Do you: Support? ✓ Amend?____ Oppose?____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

Exhibit # 79
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: Feb 15, 1991

Name: Rosemary Harrison

Address: 217 Woodworth
Missoula

Telephone Number: 721-7634

Representing Whom?
Mt. Speech Hearing Ass

Appearing on which proposal?
SB 200

Do you: Support? ✓ Amend? ✓ Oppose? ____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

Exhibit # 5
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 15 day of February, 1991.

Name: Darrell J. Micken

Address: 507 N 18th, Bozeman, Mt. 59715

Telephone Number: (406)587-8517

Representing whom?

SELF

Appearing on which proposal?

Senate 200

Do you: Support? ✓ Amend? ✓ Oppose? ____

Comments:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

BOARD OF CHIROPRACTORS
DEPARTMENT OF COMMERCE
STAN STEPHENS, GOVERNOR
ARCADE BUILDING
111 N. JACKSON
STATE OF MONTANA
(406) 444-5433
HELENA, MONTANA 59620-0407

Bd Hand Hearing Dispenser

SENATE HEALTH & WELFARE
EXHIBIT NO. 12
DATE 2/15/91
BILL NO. SB 200

Majority of complaints state:

1. Aids don't fit, to loose or to tight (improper fitting & testing)
2. To much noise, whistle, can't adjust volume
3. Aids don't help, no difference in hearing
4. All cite lack of service -
5. Not informed of medical waiver by salesperson
6. High pressure sales, promises never kept, like on 30 day trial and refunds.

Almost all hearing aids are sold to the elderly. Most were tested in their homes with no other person present. Almost all require payment in full before receiving aids. Some companies will only sell 2 aids, never just one whether person needs 2 or not.

In additon to the complaints listed on the other side, twenty-nine (29) allegations were received in the board office. Of those, 14 were against firms where no dispenser was named.

Fiscal Year	Total Complaints	NO Violation	Letter of Warning	Satisfied Complainant	Refund Issued	Withdrawn	Open
FY 88	21	5	4	4	3	2	0
	No jurisdiction - 2		Paid Fine - 1				
FY 89	25	8	8		5	2	1
	No jurisdiction - 1						
FY 90	21	2	1	3	5	2	5
	No jurisdiction - 1		2 pending disciplinary action hearings				
FY 91 (7-1-90 to 12-31-90)	6			1	1		4

Mary Lou Garrett

SENATE HEALTH & WELFARE
EXHIBIT NO. 13
DATE 2/15/91
BILL NO. 200

EASTERN MONTANA COLLEGE

1500 North 30th Street, Billings, MT 59101-0298 Montana Center for Handicapped Children 406/657-2312

February 7, 1991

I have received and reviewed the draft of Senate Bill No. 200 proposing revisions in the licensing, record keeping, and training requirements for hearing aid dispensers and providing consumer protection for purchasing hearing aids and related devices. As an audiologist who doesn't dispense hearing aids, I refer my clients to licensed hearing aid dispensers if they are in need of amplification.

From my professional point of view, the proposed changes regarding trainees and their sponsors not only help to protect the consumer, but also benefit the trainee. The changes in Section 2 regarding the Bill of Sale will certainly clarify the consumers' rights and the follow up they are entitled to with the purchase of the hearing aid or related device.

I strongly support the changes proposed in Senate Bill No. 200.

Tina Hoagland

Tina Hoagland, M.A., CCC-A
Montana Center for Handicapped Children
657-2039

SENATE HEALTH & WELFARE
EXHIBIT NO. 5
DATE 2/15/91
BILL NO. 200

MEDICAL ARTS HEARING CENTER
300 NORTH WILLSON, SUITE 603-F
BOZEMAN, MT 59715
(406) 586-0914

February 12, 1991

Dear Mona:

I have been involved with almost all phases of the Hearing Aid Dispensers law since I first testified on behalf of the original bill in 1969. The law has been brought up periodically for review and proposed modifications based on perceived need within the industry. Always, I believe, the proposed changes have been based on:

1. The need to broaden the base of consumer protection, which this bill provides, and

2. The need to raise the standards and professional training of those entering the profession which is, in fact, also a form of consumer protection.

This is also true in the proposed Senate Bill #200. Some changes are also housecleaning and meant to bring the Hearing Aid Dispensers law in to conformation.

The resistance to changing the law seems usually to be based on the perceived notion, by some dealers, that an effort is being made to restrain their methods of selling and thus restrict their trade and practice, primarily as it deals with in-home testing and delivery. To my knowledge, no change ever made in this law has ever restricted anyone's practice unless their activities were illegal or unethical from the onset.

First, as to the matter of "...and related devices." This phrase was merely meant to include alternative listing devices (ALD's) and other devices meant to help the hearing impaired which many of us deal with. "Hearing aid" as defined in 37-16-101 of the law includes most items and appliances, but not all. It certainly is not meant to engulf anyone "in an avalanche of paper" as has been suggested.

There are a disproportionately high number of complaints in this state that relate to dispensers who are in trainee status. Apparently, there is some difficulty disciplining these people because there is a poor chain of authority or responsibility for the conduct and services of these people. There is also not a chain of authority within an office structure which designates who is in charge and responsible for each office.

Exhibit #4
2-15-91 SB 200

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Date: 2/15/90

Name: Ben Havdahl

Address: Box 5421
Helena MT 59604

Telephone Number: 442 5615

Representing Whom?
Myself

Appearing on which proposal?
SB 200

Do you: Support? X Amend?_____ Oppose?_____

Comments:

(Prepared Statement Submitted)

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. THANK YOU.

WITNESS STATEMENT

Exhibit #6a
2-15-91 SB 200

NAME: Evelyn C. Vaught DATE: 2/15/91

ADDRESS: PO Box 507

PHONE: 406-398-5327

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: Senate Bill 200

DO YOU: SUPPORT? _____ AMEND? V OPPOSE? _____

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AARP

Bringing lifetimes of experience and leadership to serve all generations.

SENATE HEALTH & WELFARE
EXHIBIT NO. 6
DATE 2/15/91
BILL NO. 200

MONTANA STATE LEGISLATIVE COMMITTEE

CHAIRMAN
Mr. Fred Patten
1700 Knight
Helena, MT 59601
(406) 443-3696

VICE CHAIRMAN
Mr. Paul Stengel
Route 2, Box 3040
Miles City, MT 59301
(406) 232-0016

SECRETARY
Mrs. Dorothy Fitzpatrick
Box 174
Sunburst, MT 59482
(406) 937-2451

FEBRUARY 15, 1991

TO : SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE.

FROM : FRED PATTEN - AMERICAN ASSOCIATION OF RETIRED PERSONS.

RE : SB #200 - " AN ACT REVISING THE LICENSING,RECORDKEEPING, AND TRAINING REQUIREMENTS FOR HEARING AID DISPENSERS; PROVIDING CONSUMER PROTECTION FOR PURCHASERS OF HEARING AIDS AND RELATED DEVICES. "

THE AMERICAN ASSOCIATION OF RETIRED PERSONS SUPPORT THIS BILL. THIS BILL GIVES THE PUBLIC THE PROTECTION THAT IS NEEDED WHEN HEARING AIDS ARE BEING PURCHASED. IT IS NOT UNREASONABLE TO EXPECT THE PERSONS THAT ARE SELLING HEARING AIDS TO BE QUALIFIED TO DISPENSE THE AIDS PROPERLY. THE COST OF HEARING AIDS AND THE NEED TO BE ABLE TO HEAR ARE TWO VERY IMPORTANT FACTORS. THIS BILL APPEARS TO ADDRESS THESE IMPORTANT FEATURES.

WE URGE YOU TO SUPPORT SB-200.

THANK YOU.

Exhibit #5
2-15-91 SB 200

In writing this change it also, inadvertently, extended the time before a trainee could "fit" a hearing aid to after the 40 week (10 month) period. If, in fact, the purpose of the change is to insure greater training and sponsor access, the accent should be on testing skills, not in the final fitting. The trainee, as it is now written, is allowed to "do the testing necessary for a proper selection and fitting of a hearing aid..," but cannot finalize the fitting until after the 40 week period. Requiring the 10 month wait is unreasonable and would place an undue burden on the trainee, the sponsor, the company and ultimately the consumer by interfering with the delivery of the device.

I recommend, therefore, that an amendment be added to line 17 (same section) reading, "...made by the supervisor during the first 60 days of training." the amendment as given in oral testimony on 2-16-91

The definition of types of supervision (Sec. 5, (8), (a) & (b) ((p. 9, lines 4 - 14)) greatly enhance training of the trainee by specifically clarifying availability and responsibility of the sponsor. It guarantees that the trainee will not be turned out by themselves without some proper supervision.

An amendment is also needed in new Sect. 9 (p. 14 line 17) and new Sec. 10 (3), (lines 19 - 20). A specific dollar amount should not be specified as a "dispensing fee." First, the term "dispensing fee" is not defined and it does not specify whether the bill allows $200 total or $200 per instrument. Second, it does not take into account inflation rates and changes in the industry.

It is, therefore, recommended that Sect. 9, line 17 be amended to read, "...dispensing fee may not exceed an amount greater than 20% of the total charge. Also, Sect. 10, (p. 15, lines 19 & 20), the sentence "For the purpose of this section, the dispensing fee may not exceed $200," should be deleted to be consistent with the Sect. 9 amendment.

Sincerely,

Darrell Micken, M.A.
Audiologist

DM/cvb

Exhibit #5
2-15-91 SB 200

In this bill, Sect. 1 (4) (p. 2 lines 12 - 25 & p. 3 line 1) and Sect. 5 (7) p. 8 lines 25 & p. 9 lines 1 - 3) designate that authority and responsibility to specific individuals, while Sect. 8 (15), (16) & (17) (p. 13, lines 19 - 25 and p. 14, lines 1-10) broaden and specify conditions which may lead to disciplinary action. The latter are necessary to assist the board in carrying out their disciplinary duties.

Several new segments of this bill are aimed at providing the consumer with information concerning their rights and/or where they may get assistance. Although the vast majority of the consumers are satisfied with the hearing aids and the services they receive, many do not know how or where to obtain assistance if the need arises. These additions will help the consumer to make judgments as to the appropriateness of services and will help them find assistance if and when they need it. Sect. 2 (2) (a) & (b) (p. 4 lines 5 - 11 & 19 - 25) and (5) (p. 5, lines 12-16) are designed to fulfill this need by mandate.

The following changes recommended by the bill are basically housekeeping. Sect. 3 (2) p. 6 (lines 1 - 3) removes the original and unnecessary "grandfathering" clause; while Sect. 6 (3) (lines 11 - 19) creates an "inactive license" which is needed to allow an individual to temporarily leave the field or state and be relicensed fully upon return to the field without repeating the entire entry process.

Several recommended changes in the bill address trainee supervision, licensing & training.

Sect. 4 (2) (p. 6 lines 15 & 17) will specify the exact number of times one may take the examination. Although the exact wording is awkward and needs clarification, the present law is so written as to allow trainee status to be potentially extended to three full years, allowing an unqualified and incompetent person to practice without full credentialing.

Sect. 5 (2) (b) (p. 7 lines 9 - 13) specifically designates the number of hours that a trainee must spend with their sponsor per week and spreads this time over a forty week training. This addition should greatly enhance the trainee's professional contact with the sponsor and improve their professional growth. Although this measure still only requires a total of 320 hours of direct supervision during their year in training, it spreads the training over a specified period which allows for deliberate professional growth and gives the trainee specific access to their supervisor.

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date 2/15/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT	X		
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

Each day attach to minutes.

Exhibit 4 also contains a chart with information about complaints filed with the Board of Hearing Aid Dispensers between 6/19/86 and 1/4/91. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

MEDICAL ARTS HEARING CENTER
300 NORTH WILLSON, SUITE 603-F
BOZEMAN, MT 59715
(406) 586-0914

February 15, 1991

SENATE HEALTH & WELFARE
EXHIBIT NO. 8
DATE 2/15/91
BILL NO. 200

Re: Senate Bill 200

Senate Bill 200 culminates from a need for better consumer protection for the hearing impaired. As in any other industry, most hearing professionals are willing and able to monitor their own activities in dealing with the public and have a reasonable degree of professional ethics. However, as with any other industry, there are the few who position themselves to take advantage of the consumer who, in this case, is most often an elderly client. Unfortunately, one of the problems with "the few" unethical hearing professionals in Montana is that they market and sell to a large percentage of the hearing impaired public. This is one of the reasons why the Board of Hearing Aid Dispensers has historically had one of the highest number of complaints per capita of any licensing board in the Department of Commerce.

There are two ways we can enhance consumer protection: (1) we can upgrade the requirements for obtaining hearing aid licensure which are presently far too lax, and (2) we can ensure that every consumer is given a money-back trial period with his hearing aid so that his decision to purchase is made on the basis of informed choice rather than misleading promises and pressure. The proposed FTC rule mandating a 30-day trial period was dropped in 1985 after a survey concluded that "most hearing aid sellers offer buyers trial periods and warranties to deal with problems that might occur." After having served on the Board of Hearing Aid Dispensers from 1988 to 1990, it became clear to me, however, that in Montana (1) some of the highest-volume hearing aid dispensers either are not offering trials such as this survey claimed or (2) the so-called "30-day trial" alluded to during the course of a sale provides, in small print, only for exchange or modification of a hearing aid rather than a money back guarantee. When consumers are being told there is a guarantee, they are often being mislead into believing it is a "money-back" provision, which it is not. This bill will help discourage this unethical tactic and will still allow the hearing aid professional to be compensated for his time and expenses in the case of consumer dissatisfaction.

I have only one objection to Senate Bill 200 - to Section 5, 316-405 (2) (b) which would require one's supervisor to fit and deliver every hearing aid sold by his "trainee" for 10 months.

Mr. Fowler said he could tear apart different sections of the bill. He said it was too ambiguous and vague and would cause grave problems.

Senator Rye asked how many persons were affiliated with Miracle Ear. One person raised his hand. He said he thought their organization was being singled out for persecution.

Mr. Randall said that was not the case.

Senator Rye asked Ms. Sedall for brand names of the products she has had problems with.

Ms. Sedall said she did not have those names and was asked by the county attorney not to mention any.

Senator Pipinich said he must have received 30 letters and asked about complaints.

Mr. Randall said there were 13 active complaints at the present time.

Senator Hager asked about the complaints.

Mr. Randall said there were seven new complaints as of July 1, 1990.

The chairman recognized Mona Jamison who read from Exhibit #12.

Closing by Sponsor:

Senator Vaughn said the bill was not intended to hurt anyone but was an attempt to protect the consumers. She thanked the committee for the hearing.

HEARING ON SENATE BILL 310

Presentation and Opening Statement by Sponsor:

Senator Yellowtail opened by saying SB 310 relates to the dispensing of prescription medicines by the physicians at the urban Indian centers and clinics. Health care on the Indian reservations is a matter of the relationship between the tribes and the federal government as it relates to the trust responsibility of the federal government. He said there is the United States/Indian Health Service (IHS) that provides service units to hospitals and clinics on the reservations. The difference in the urban centers is that there are substantial numbers of Native American people who live in the urban areas far from the clinics and secondly, may or may not be enrolled members of tribes. They may not be eligible for the services even if they lived on the reservations. The urban centers are functioning well in servicing the Indian population. An important part of the centers are the health care clinics.

Now having said all that, I want to make it clear just to whom those comments are aimed. First of all they are not aimed at the professional hearing aid dispensers that are represented by the vast majority of persons licensed under the hearing aid dispensers act. There are the professional audiologists and professional non audiologist dispensers. I have been privileged to work with many of both and have great respect for them and their pursuit of service for hard of hearing persons in Montana.

There are those dispensers, in my experience and opinion, who fortunately represent the small minority that do not seem to have regard for a professional approach for their business and therefore require more assistance from the State to insure they operate as they should. That is what some of SB 200 is all about. At least from my perspective it is.

I would like to go on record in general support of the bill and all its provisions especially those aimed at protecting the consumer of hearing aids.

Specifically the proposed provisions in Section 2 dealing with the requirements for a bill of sale and receipt requirements. Sub paragraph (5) requiring that all purchase agreements or bills of sale contain the statement that all consumers with questions about their rights contact the Board for information is a good policy. The only question I have relates to the limited staffing of the Board, (one person handling the Hearing Aid Board and many other Boards) and the ability to handle this work load.

It would appear this requirement will have the effect of increasing the inquires. That is good. Handling them may be an other matter. I strongly support the amendments in Section 8 of SB 200 clarifying the grounds for suspension and/or revocation of licenses. The Board needs these clarifications in order to more effectively enforce the provisions of the present law.

Madam Chair, I would particularly urge the passage of SB 200, if no other reason, than to adopt into law Sections 9, the requirement for possible restitution to a purchaser of the purchase price of a hearing aid or device and Section 10 of bill, giving the purchaser a thirty day trial period and right to cancel the sale for good cause. The provisions of this section detailing the good cause for refunds and requirements that both the purchaser and dispenser have to meet are fair and just and are long over-due in my opinion.

90% of the complaints the Board receives from purchasers of hearing aids are from people who are demanding satisfaction after a sale and get either a "no response" or a "put-off" response from a dispenser. The lack of proper servicing is an easy path to follow because there is little risk to the dispenser if the purchaser's complaints are simply ignored. Many times the Board finds itself unable to effectively deal with many problems that center around demands for refunds and restitution. These complaints would disappear, in my opinion, if dispensers were required to give purchasers a 30 day trial period.

SENATE HEALTH & WELFARE
EXHIBIT NO. 3
DATE 2/15/91
BILL NO. SB 200

AMENDMENTS

Page 5

Sec. 2 (c) the right to cancel, any warranty or guarantee and the terms of the right to cancel, warranty or guarantee;

Page 6 - Section 4 (2) An applicant who fails two successive practical examinations is eligible for reexamination after a period of two years, and the completion of additional training or education recognized by the licensure board.

Physical Therapist
Speech Pathologist

THE NATIONAL INFORMATION CENTER ON DEAFNESS
GALLAUDET COLLEGE

Exhibit #4
2-15-91 SB 200

ESTIMATES OF THOSE WITH HEARING LOSSES

Geographic Area	Total General Population *	Hearing Impaired	Significant Bilateral Loss	Deaf	Prevocationally Deaf
NORTHEAST U.S.					
Maine	1,124,000	67,000	29,000	8,000	2,000
New Hampshire	919,000	55,000	23,000	6,000	2,000
Vermont	511,000	31,000	13,000	4,000	1,000
Massachusetts	5,728,000	342,000	146,000	40,000	10,000
Rhode Island	946,000	57,000	24,000	7,000	2,000
Connecticut	3,096,000	185,000	79,000	22,000	5,000
New York	17,558,000	1,046,000	446,000	122,000	30,000
New Jersey	7,342,000	439,000	187,000	51,000	13,000
Pennsylvania	11,828,000	707,000	301,000	82,000	20,000
NORTHCENTRAL U.S.					
Ohio	10,772,000	707,000	363,000	104,000	26,000
Indiana	5,461,000	358,000	184,000	53,000	13,000
Illinois	11,355,000	745,000	383,000	110,000	27,000
Michigan	9,235,000	606,000	311,000	89,000	22,000
Wisconsin	4,694,000	308,000	158,000	45,000	11,000
Minnesota	4,049,000	267,000	137,000	39,000	10,000
Iowa	2,909,000	191,000	98,000	28,000	7,000
Missouri	4,906,000	322,000	165,000	47,000	12,000
North Dakota	652,000	43,000	22,000	6,000	2,000
South Dakota	688,000	45,000	23,000	7,000	2,000
Nebraska	1,565,000	103,000	53,000	15,000	4,000
Kansas	2,356,000	155,000	79,000	23,000	6,000
SOUTHERN U.S.					
Delaware	595,000	40,000	20,000	5,000	1,000
Maryland	4,198,000	286,000	143,000	36,000	8,000
Washington, DC	635,000	43,000	22,000	6,000	1,000
Virginia	5,321,000	362,000	181,000	48,000	10,000
West Virginia	1,931,000	131,000	66,000	17,000	4,000
North Carolina	5,849,000	398,000	199,000	52,000	11,000
South Carolina	3,070,000	209,000	105,000	27,000	6,000
Georgia	5,404,000	368,000	184,000	48,000	11,000
Florida	9,540,000	652,000	326,000	86,000	19,000
Kentucky	3,643,000	248,000	124,000	33,000	7,000
Tennessee	4,546,000	309,000	155,000	41,000	9,000
Alabama	3,870,000	263,000	132,000	35,000	8,000
Mississippi	2,511,000	171,000	86,000	22,000	5,000
Arkansas	2,284,000	155,000	78,000	20,000	4,000
Louisiana	4,200,000	286,000	143,000	38,000	8,000
Oklahoma	3,001,000	204,000	102,000	27,000	6,000
Texas	14,174,000	965,000	483,000	127,000	28,000
WESTERN U.S.					
Montana	784,000	56,000	29,000	7,000	2,000
Idaho	944,000	68,000	35,000	9,000	2,000
Wyoming	469,000	34,000	17,000	4,000	1,000
Colorado	2,882,000	207,000	106,000	27,000	6,000
New Mexico	1,295,000	93,000	48,000	12,000	3,000
Arizona	2,719,000	195,000	100,000	25,000	5,000
Utah	1,459,000	105,000	54,000	14,000	3,000
Nevada	800,000	57,000	29,000	7,000	2,000
Washington	4,115,000	295,000	151,000	38,000	8,000
Oregon	2,618,000	188,000	96,000	24,000	5,000
California	23,545,000	1,684,000	864,000	219,000	46,000
Alaska	400,000	29,000	15,000	4,000	1,000
Hawaii	965,000	69,000	35,000	9,000	2,000

* U.S. Bureau of the Census, April 1980.

Hearing Impaired = any degree of hearing loss in one or both ears.
Significant Bilateral Loss = those hearing impaired who have substantial difficulty hearing in both ears.
Deaf = cannot hear and understand speech.
Prevocationally Deaf = those who became deaf prior to 19 years of age.

Prepared by: Office of Demographic Studies; Gallaudet College, Washington, DC.

Many dispensers do that now. Not because they have to but because it is ethical and good public relations to do so. Others use form contracts that provide the purchasers with a "three day money back period from the date of the signing of the contract. This is always long past by the time the hearing aids are actually delivered, fitted, adjusted and the purchases has a chance to adjust to their use in real life situations.

Fop the benefit of the Committee, I would like to provide copies of summaries of complaints from the Board's files over the last five years that could have been more effectively dealt with by Board if Section 9 and 10 had been part of our law all along. This summary of complaints reflects a total of 127 for about 102 licensees over the past five year period. These are not all the complaints, but a representative sampling of the types I have just described.

Thank you again for this opportunity to speak on SB 200.

My view is that this would restrict trade, severely limit the employer in producing income, and do very little to protect the consumer. The steps preceding and following the hearing aid fit (the testing, determining one's candidacy for a hearing aid and the counselling involved therein, and the impression, as well as the counselling and service afterwards), have potentially far more margin for serious error and abuse than the actual fitting of the instrument. I would suggest the 10 month recommendation be changed to 60 days, which cannot be construed as being punitive towards an employer, but should also allow for a reasonable period of serious supervision.

With the modification of this section, I see this bill as a vehicle for (1) enhancing the quality of services provided to Montana hearing aid consumers, (2) truly providing for greater consumer protection, and (3) providing the Board of Hearing Aid Dispensers with reasonable and enforceable means of disciplining violators of this statute.

I urge you to pass Senate Bill 200.

Lee E. Micken
Licensed Hearing Aid Dispenser
Bozeman

LEM/cvb

BOZEMAN ENT CLINIC
AN ASSOCIATION OF

LAUREN R. SWARTZ, D.O.
OTOLARYNGOLOGY, HEAD &
NECK SURGERY, OROFACIAL
PLASTIC SURGERY

FRED F. BAHNSON, M.D., F.A.C.S.
DIPLOMATE, AMERICAN BOARD
OF OTOLARYNGOLOGY

February 11, 1991

SENATE HEALTH & WELFARE
EXHIBIT NO. 9
DATE 2/15/91
BILL NO. 200

Montana State Senate
Capitol Building
Helena, MT 59601

RE: Senate Bill 200

Dear Senators:

I am a physician practicing treatment of disorders of the ears, nose and throat in Bozeman, Montana. I am writing you concerning Senate Bill 200, which is presently before you.

I am writing supporting this bill. In my eight years of practice in Montana, I have noticed numerous occasions of patients being improperly fitted for hearing aids. This is almost always done by people that I consider inexperienced and poorly qualified to perform such an important function to someone with a hearing loss. I continue to see this monthly, and it is in my opinion, shameful for it to continue. I think a patient with a hearing loss has enough disadvantage, and should not fall prey to those who are simply trying to sell them something.

Proper fitting of a hearing aid for maximum benefit for the patient takes training and experience and should not be left to those who simply are looking for work as a salesman.

I encourage you to consider strongly Senate Bill 200 and make our State a place where those with hearing loss are treated by qualified people.

Thank you for your interest and concern.

Yours truly,

Fred F. Bahnson MD

Fred F. Bahnson, M. D.

FB:kl

925 HIGHLAND BLVD., STE 1600 BOZEMAN, MONTANA 59715 (406) 587-5000

Missoula Hearing Inc.
943 Stephens Missoula, Montana 59801 (406) 549-1951
Dudley Anderson Larry Wundrow
SERVING WESTERN MONTANA
OVER 20 YEARS

SENATE HEALTH & WELFARE
EXHIBIT NO. 10
DATE 2/15/91
BILL NO. 200

February 13, 1991

RE: SB 200

Dear Committee Members:

My name is Dudley Anderson, I have been dispensing hearing aids for over twenty years in the Missoula area and have served eight years on the Hearing Aid Dispensers Board both as a member and as chairperson.

Although I support SB 200, it is with one stipulation that Section 37-16-405 (2) part (b) be rejected or amended to refer to a sixty day supervision status, not forty weeks. Forty weeks serves as no valuable time to train for the fitting process, its too long of a time period, and is not cost effective for the participants.

Thank you,

Dudley Anderson

Dudley Anderson, B.S.
Missoula Hearing Inc.
943 Stephens
Missoula, MT 59801

BILLINGS PUBLIC SCHOOLS

SENATE HEALTH & WELFARE
EXHIBIT NO. 11
DATE 2/15/91
BILL NO. SB 200.

BILLINGS, MONTANA 59102-5899

2-11-91

This is a letter of support for SB 200. I am an audiologist working for the public schools in Billings. I do not dispense hearing aids in my office. I see the changes proposed in SB 200 as ones that will protect the consumer. I feel this is important as the Hearing Aid Licensing Board receives the largest number of complaints from consumers in the state.

By strengthening the traineeship, this should help decrease the number of unqualified hearing aid dispensers. It seems to me that allowing a person to dispense hearing aids before having passed the examination is asking for trouble and problems for consumers. I know of no other profession where that is possible.

Also, by allowing a 30day trial period should help decrease the unethical high pressure dispensers who prey on unwary consumers.

Thank you for your time and assistance.

Suzanne Johnson, M.S., CCC-A
Audiologist

SENATE HEALTH & WELFARE
EXHIBIT NO. 14
DATE 2/15/91
BILL NO. 200

BILLINGS CLINIC

Testimony regarding Senate Bill 200

An estimated 25-30% of Montanans over the age of 65 have some degree of hearing impairment that might benefit from the use of hearing aids or other hearing devices. The population under the age of 65 are also becoming aware of how hearing aids and hearing devices can benefit their varying degrees of loss.

A significant portion of our population would be positively affected by a stronger hearing aid licensure law. The proposed mandatory 30 day return privilege will place the consumer more in control of his or her hearing aid purchase. Often a person doesn't know if he or she would like to purchase amplification. Because of this indecision, a person will often go without a device rather than risk a significant amount of money. Another common occurance is that of someone spending thousands of dollars searching for better products that may, in fact, not exist. When a mandatory return privilege is granted, a consumer is more encouraged to work with his or her dispenser to obtain a satisfactory hearing aid fit.

The contracts signed with the purchase of hearing aids and other hearing devices are currently different for nearly every dispenser and often unclear to the consumer. A more standardized contract, with guidelines from the Board of Hearing Aid Dispensers would benefit both the consumer and the dispenser. All information regarding the trial period, refunds available and product warranties should be included on the contract.

Finally, the consumer and the hearing aid industry will both be positively impacted by strengthening the dispenser training requirements. Many of the questions and complaints addressed by the Board of Hearing Aid Dispensers concern the practice of Hearing Aid dispensers with trainee licensure status. Very few professions will allow for someone to practice a trade for years without showing some sort of competency through practical and written examinations. The number of failures allowed for the examinations need to be reduced as does the time allowed between reexaminations. Should a trainee have difficulty completing the examination successfully, it only stands to reason that a certain amount of more formalized training should be required.

Strengthening the licensing requirements for Hearing Aid dispensers through the complete approval of Senate Bill 200 will positively impact the hearing impaired population in Montana.

Kristy Foss

Kristy Foss M.C.S.D.
Audiologist CCC

239 Beverly Hill Blvd.
Billings, MT 59101
February 13, 1991

SENATE HEALTH & WELFARE
EXHIBIT NO. 15
DATE 2/15/91
BILL NO. 200

Honorable Senator Jim Burnett
Montana State Senate
State Capitol Building
Helena, MT 59620

Re: S. B. 200
Public Health, Welfare, & Safety
Committee Hearing Friday, 2-15-91, 3:00 p.m.

Dear Jim:

I have worn hearing aids, one in each ear, for the last five years. I am one of those very fortunate people whose hearing loss could be helped by the use of these wonderful electronic devices.

It is because I have had substantial hearing restoration that I have taken a positive interest in S. B. 200. Respectfully, I am asking that you support this bill which I believe will contribute to the improvement of the hearing aid consumer's protection.

My hearing aids were fitted by an audiologist after my Ear, Nose & Throat Physician reported that his examination showed that my hearing could be improved with an electronic device -- and, that surgery or medication would not be helpful.

Many who need hearing aids buy them by mail, or by the door-to-door salesman's "pitch", or respond to media advertising which leads them to a person who may or may not be qualified to evaluate their hearing loss. And, sometimes the person who has made the sale may have provided an electronic device which may be ill-suited for the hoped-for hearing loss-restoration.

Hopefully S. B. 200 will contribute to the gradual improvement and elevation of qualifications of the purveyors of hearing aids. Although laws don't "fix" everything (in terms of legislating against certain damaging practices of purveyors), S. B. 200 seems to me to be a step in the right direction to legislate in favor of improved minimum standards. Hopefully, with the adoption of S. B. 200 there can be a little bit better chance for the consumer getting what is needed for a chance of hearing restoration.

Exhibit # 15
2-15-91 SB 200

Not everyone will have availed themselves of the advice of a physician-surgeon, let alone consult a licensed audiologist, as I did. The explanation for that, whether ignorance or economics, makes no difference. In this situation, the priority should be to see that those folks have a better chance to get what they are paying for.

My good luck with hearing restoration makes me sensitive to the hearing needs of many people who bought unsatisfactory hearing aids from purveyors who failed to meet needs.

"Let the buyer beware" is not appropriate. Please help pass this bill to begin the process of better qualifications for those who sell hearing aids.

Sincerely —

Paul Waldsporger

SENATE HEALTH & WELFARE
EXHIBIT NO 11
DATE 2/15/91
SBILL NO 200

Rosemary Harrison
714 Lexington
Missoula, Mt. 59801

Feb 11, 1991

Dear Ms. Harrison:

This acknowledges your call of last week and the arrival of your letter today. In answer to and in support of your question, I am mailing you a copy of my letter to the Board of Hearing Aid Dispensers in July of 1989, which shows details of my problems which may be of assistance in favor of Senate Bill 200.

Incidentally, I was ultimately refunded my total purchase price, returned the hearing aids and haven't really had the urge to get them and trying again for hearing assistance.

I would have enjoyed the hearing on Senate Bill 200, but Mrs. Erickson and I are leaving for Seattle at midnight of February 17, On Amtrack.

Good luck on your efforts to get Passage of Senate Bill 200, I am with you all the way.

Yours

William J. Erickson

Exhibit # 16
2-15-91 SB 200

July 21, 1989

Board of Hearing Aid Dispensers
Department of Commerce
1424 Ninth Avenue
Helena, Montana 59620-0407

Attention: Mary Lou Garrett
Administrative Assistant

Dear Ms. Garrett:

This acknowledges your letter of July 10, 1989 which I was happy to receive. In answer to it I am enclosing herewith a copy of the Contract which I originally entered into, apparently without sufficient study.

I am also enclosing herewith a Complaint Form which I have completed to the best of my ability, and is to the best of my knowledge and belief accurate in all respects. I have built up some memorandums with specific dates from the date of the original Contract, with requests and with statements of the facts pertaining to each incident, as follows.

I am a retired educator, coach, teacher, principal and administrator of the Libby School System, seventy-nine years of age and a resident of Libby since 1935, except for the four years, August 1941 until September 1945, which were spent in the military service as an officer.

My appeal to your unit is to give me help in resolving a situation which results from my purchase of a pair of hearing aids from the Hearing Aid Institute, located in Great Falls and doing business in various cities and towns in Montana. A Mr. Jim Odom, representing the above named firm, contacted me in November of the past year and influenced me into contracting to purchase two hearing aids. He made very glowing promises of what the hearing aids would do for me. He promised personally to see that my hearing would improve and that he would provide needed service to accomplish that end. He made the tests on my ears and then made the necessary molds of my ears. I signed the contract and paid him the $400.00 down payment.

Mr. Odom appeared again the week before Christmas, fitted me with a pair of hearing aids and was testing me with them in my ears until he discovered that he was in the wrong house with the wrong person for whom the hearing aids were intended. He then took the hearing aids and left. Mr. Odom next appeared

January 13 with hearing aids, fits me with them and runs the usual tests. He makes the usual glowing claims for the wonderful hearing aids and promises he will be back the following week to check me again. I pay him by check the balance of $1550.00. The first evening of the hearing I discover the right aid has no battery. Three days later the left hearing aid fails completely. Neither battery door can be opened. Then there is a complete failure of Mr. Odom or the Company to respond to my call for help. I wait two weeks for the promised visit by Mr. Odom. He does not appear nor call me.

I call the Great Falls office January 26th. Mr. Odom appears at my home February 1, without making an appointment. I was absent at the time and he declined to wait a few moments for my return. There was no further word from Mr. Odom or the Company. I write letters to the Hearing Aid Institute complaining of the lack of service and that my purchase price be refunded.

On March 2 Odom called and stated he would be in Libby that evening. He failed to show but called instead. At this time he denied knowing I had any hearing aid problem. He also stated that he would get me my money refunded. He also admitted that he was at fault for not contacting me. From March 2 to March 20 no response from the Hearing Aid Institute or Odom. Not until March 28 did I see Mr. Odom, when he appeared at my door, with the words "I understand you have a service problem." I asked him to go down town to an office for our discussion. He refused. I asked for the check which he had said he would get for me. He merely stated again that "I understand you have a hearing aid problem. That's all they told me." He refused to talk about anything else and left.

On April 5th I received the first response from Mr. Evans, Regional Manager of the Hearing Aid Institute, stating they had a problem answering my letter. On April 6th I wrote another letter to Mr. Evans stating my position, and asked for some competent person to meet with me to reach some accord. Mr. Pat Fournier was sent to Libby to discuss the matter with me. I met with Mr. Fournier and in attendance was a retired attorney friend of mine, Joe Fennessy. We reviewed the foregoing problems regarding the lack of attention that I had received. Mr. Fournier admitted that I had been poorly treated. In answer to Mr. Fournier's question as to whether Odom had made the remark, "I will get your money back," Mr. Fournier said that Odom denied making such statements.

Exhibit #16
2-15-91 SB 200

I resent the fact that this man, Odom, is implying that I am lying; this in addition to the delivery of faulty hearing aids, failure of the agent and the Company to provide me with proper service. I do feel that I shouldn't be compelled to suffer the lack of hearing aids or the indignities forced upon me by an agent and company which, to all intents and purposes, has little regard for the well being of their clients.

Since the last letter of May 31, 1989, mailed to me by Mr. Evans, I have not received any further information from him. Neither have I received a copy of the Newsletter and Schedule mailed monthly by the Hearing Aid Institute, called the Hearing Herald. To all intents and purposes I have been taken off the mailing lists as a Persona-Non-Grata.

However, I did learn that a service date was scheduled for June 22, at the Venture Inn in Libby. I did go there to ask some questions of Mr. Odom. Mr. Odom was not there, but a young woman by the name of Ms. Miller was substituting for Mr. Fournier, who was substituting for Mr. Odom. I did request that Ms. Miller obtain for me a copy of the hearing test and/or report of said test done by Mr. Odom on November 9, 1988. Ms. Miller informed me that she would call the Great Falls office and would then call me as to the possibility of getting said report. To date I have not received a phone call, letter or a copy of the report.

Copies of the Contract, letters of mine to Mr. Evans and his to me are enclosed.

I would like your assistance with suggestions as to what course of action I should take in expediting this problem. I desire to have my money refunded so that I can seek a hearing aid firm that is more concerned about their clients and will not give me a "brush off" as indicated by Mr. Evans' last letter to me as of May 31.

I would be happy to come to Helena to discuss this matter with you if it would help me or any other elderly persons. I did talk with another elderly gentlemen just this week who also is having problems with Mr. Odom.

Thank you,

William J. Erickson

William J. Erickson
P. O. Box 645
Libby, Montana 59923

SENATE HEALTH & WELFARE
EXHIBIT NO. 17
DATE 2/15/91
SBILL NO. 200

My name if Byron Randall, I have been the chairman of the board of hearing aid dispensers for two years. I am not speaking for the board of hearing aid dispensers, but I am speaking as a hearing aid dispenser having the Miracle-Ear francise for Montana and part of Wyoming.

I was very disturbed upon hearing that senate bill 200 was being introduced. I normally am not a person who enjoys or seeks notariety or speaks out, but when I feel about something as strongly as I do about Senate Bill 200, I have to speak out.

Our business consists of eight offices in Montana, 42 service centers and employs approximately 25 people. This is one of the largest hearing aid companies in this part of the country. we have been in business for 14 years and have served approximately 8-10,000 clients during that time. I am the owner and operator of the firm.

Senate Bill 200 poses numerous problems for our company. If we were to cover each problem area, it would take an exorbitant amount of time. So in the interest of time, and propriety, I intend to cover just one or two areas that hold significant consequences for the continued longevity of the business.

We have been in business for 14 years and have served approximately 8-10,000 clients during that time.

The topic I would like to discuss is the 40 week direct supervision proposal. If Senate Bill 200 were passed, it would cause many problems for hearing aid dealers that cover large territories such as we do. Let me explain. We attempt to bring our services to all of rural Montana and Wyoming. I will take Billings for example: The consultant in our Billings office during the first week of every month travels to Miles Ciy, Glendive, and Sidney Montana for testing, service and fitting of hearing aids in our service centers. He is back in the Billings area during the second week and off to service centers in Cody, Worland and Greybull, Wyoming the third week. The fourth week he is back in Billings area. If our consultant were to have the responsibiltiy of directly supervising a trainee for a 40 week period of time, who would pay the road expenses and who would pay the trainees salary? The worst scenario would be to have our Billings area consultant leave our employment. If this bill were to pass, I would have to relocate to Billings and leave my family in Kalispell to directly

additional cost would require us to increase our prices.

The other alternative is to require our consultants to remain in their offices thereby abondoning all service centers and in home services.

In conclusion, I am not a person who gets excited about changes in our industry, but when a proposed change that is as potentially destructive as Senate Bill 200, I have to get involved. I see it as a threat to the health of our company and our 25 employees, and every other hearing aid company which operates as we do. I also see it as a threat to our rural clients who depend on our services. I do see a need for some changes in the statutes and rules regulating the practice of hearing aid dispensing in Montana. I would like to charge the board with this responsibility and between the Montana hearing aid society and the board of hearing aid dispensers, I feel that a series of just laws can be brought about. Laws which will continue to improve this industry and at the same time protect the people of Montana. I envision laws which will be equitable for all dealers in this business and laws which will not be detrimental to any segment.

Thank you for the opportunity to speak here today.

supervise a trainee for 40 weeks. I would have to relocate because I would have a very real obligation to our clients, for service. There is no way to place a trainee in these areas without supervision according to the proposals in the Senate bill 200.

This bill was proposed by hearing aid dispensers with small single office businesses located in urban areas not requiring extensive travel as ours does and would not suffer as a result of this bill. Also I believe there is a good possibility that the persons who are pushing this bill realize that over the long run they will benefit from its passage as this bill is ultimately detrimental to businesses like ours ultimatly benefiting smaller businesses. If the true intent of the people who are pushing this bill is to provide accountability for trainees, a very adequate accountability is found in the substantive rules 8.20.401 traineeship requirements and standards. A copy of these rules are attached to this letter and all licensed hearing aid dispensers in Montana are required to abide by these rules.

In addition, from my perspective as a member of the board of hearing aid dispensers, for the past three plus years, I have seen the number of consumer complaints dramatically decrease. Attached you will find a portion of a letter from Mary Lou Garrett who is the administrative assistant, to the board of hearing aid dispensers to all board members. In this letter, Mrs. Garrett said "at the present time there are 13 active complaints. This is a small number compared to fiscal year 1988 where the board was dealing 35-48 complaints at a time." As you can see fiscal year 1991 (7/1/ 90 to 1/31/91) there are only seven new complaints. I see us as a board having more and more of an impact on the hearing aid dealers as far as holding them accountable for their actions.

The second area I would like to cover is the part of the bill on page 2 section 4a "there must be one licensed dispenser in charge at a permanent place of business at all times." Approximately 90% of our testing is done at our service centers or in our clients homes. There are many shut-ins and non amblitory people who count on this service in their home. According to this bill, we would need an additional eight trained consultants to man our offices at all times to accomplish the same work load that we are accomplishing now. Who is going to come up with this tremendous outlay of money? We certainly cannot. This

Exhibit #17
2-15-91 SB 200

BOARD OF HEARING AID DISPENSERS
DEPARTMENT OF COMMERCE

ARCADE BUILDING
111 N. JACKSON

STATE OF MONTANA

(406) 444-5433

HELENA, MONTANA 59620-0407

COMPLAINTSFILED

FY 86	30	
FY 87	48	
FY 88	21	
FY 89	21	
FY 90	21	
FY 91	7	7-1-90 thru 1-31-91

EXAMINATIONS	Applications Received	Exams Given	New Licensees	Renewed * Licensed
FY 88	22	30	9	102
FY 89	17	32	13	78
FY 90	17	19	6	79
FY 91	12	25	6	

Next exam March 8-9, 1991

FINANCIAL	Total Expended	Appropriation	Revenue	ERA Cash Balance
FY 90	$9,851.46	$13,520	$11,827.50	$15,561.77
FY 91 (to date)	7,624.22	12,755.00	6, 310.00	13,574.70

Refer to Biennial report for FY 88-89 information

* With renewals decreasing, the need for the inactive status is very important. For instance, on Monday, February 4th, a former licensee called to find out how to reinstate her dispensers license. The reason she had let is lapse for the last several years was the cost when she wasn't dispensing hearing aids. Now she wants to sell again and needs her license reinstated. Under the statute it would cost her $437.50 with penalty fees. If there was an inactive status, a lesser fee would be charged, thus allowing these individuals to retain their license and also maintain the revenue sources for the board.

Exhibit #
2-15-91 SB 200

Sub-Chapter 4

Substantive Rules

8.20.401 TRAINEESHIP REQUIREMENTS AND STANDARDS (1) The dispenser (supervisor) will:

(a) peruse every fitting made by the trainee. The supervisor shall approve the selection of the ear mold, aid and choice of ear to fit prior to fitting, during the trainee's first 60 days of the training period.

(b) the dispenser shall have personal contact with all customers of the trainee who experience difficulty in fitting.

(2) Both the trainee and the supervisor must notify the board in writing, of any break in training program, stating reasons for such break in training or termination.

(3) A trainee who loses his or her supervisor for any reason shall not continue in a trainee status with a new supervisor until written notification is received by the board, within 20 days of change, stating the reasons for such change in supervisor.

(4) A supervisor of a trainee who desires to terminate his or her supervisory responsibility shall give the trainee written notice of such termination, giving reasons, and shall immediately notify the board.

(5) When there is any break in a training program lasting more than six months, the trainee status terminates and the trainee must make new application for original trainee status and pay fees as required.

(6) Trainees shall affix the designation "trainee" after his or her name on all business cards, correspondence, advertising or any written material concerning the hearing aid field.

(7) A licensed hearing aid dispenser who sponsors a trainee is directly responsible and accountable under the disciplinary authority of the board for the conduct of the trainee in his training activities. (History: Sec. 37-16-202, MCA, AUTH extension, Sec. 11, Ch. 404, L. 1985, Eff. 10/1/85; IMP, Sec. 37-16-301, 405, MCA; Eff. 12/31/72; AMD, Eff. 3/7/74; AMD, Eff. 9/4/75; AMD, Eff. 6/5/76; TRANS, from Dept. of Prof. & Occup. Lic., C. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2175, Eff. 12/31/82, AMD, 1983 MAR p. 1457, Eff. 10/14/83; AMD, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1987 MAR p. 371, Eff. 4/17/87; AMD, 1989 MAR p. , Eff. 10/30/89.)

MHAS MEMBER
NATIONAL HEARING AID SOCIETY

MONTANA HEARING AID SOCIETY

Affiliated Member of
NATIONAL HEARING AID SOCIETY
3301 14th Ave. So.
Great Falls, MT 59405
727-7269 - 761-8334

SENATE HEALTH & WELFARE
EXHIBIT NO. 18
DATE 2/15/91
BILL NO. SB 200

DATE: February 5, 1991

TO: Senator Dorothy Eck, Chairman, Public Health, Welfare and Safety Committee

FROM: David E. Evans, Secretary, Montana Hearing Aid Society

SUBJECT: Statement of Opposition to SB 200

The Montana Hearing Aid Society is a professional organization composed of Montana licensed hearing aid dispensers all of whom work under the jurisdiction of the Board of Hearing Aid Dispensers. All of the members are Montana residents engaged in the fitting and service of hearing instruments across the state. Together, they account for the majority of hearing instrument fittings made in the state and provide almost all of the in-home and small town services and fittings available. SB 200 is primarily designed to affect these dispensers and to limit or eliminate their ability to effectively provide in-home and small town hearing instrument fitting and service to the people of Montana. The ultimate effect of the bill is to legislate into the industry a bias that favors small, single office practices offering very limited, if any, outside service. This is not in the best interest of the citizens of Montana who would, in many cases, do without hearing health care if it were not conveniently brought to them.

This bill is not necessary and is not supported even by the members of the Board of Hearing Aid Dispensers. Members of the Board will be present to state their opposition to this bill at its hearing.

Some of the specific problems with the bill include:

1.) The addition of the term "related devices" to hearing aids. Page 1, line 16 and throughout the bill. The term "related devices" is totally undefined and therefore subject to definition and interpretation at a later date. The term would logically include any device intended to assist a person with a hearing problem. This would include all types of assistive listening devices, cordless infrared systems, telephone amplifiers and amplified handsets, hearing aid cleaning supplies, and even specialized hearing aid batteries. All of these items are currently available at most drugstores, discount stores, electronics stores, general merchandise stores, and by mail order. There is absolutely no reason for government to regulate or interfere with the distribution of these products, and to do so could only cause inconvenience and expense to the people of Montana. From the standpoint of a licensed hearing aid dispenser, this represents a potential windfall, at the

expense of the public by being given a virtual monopoly over what are now readily available items.

2.) The section, beginning on page 2, line 12 through lines 25, requiring the placement of a licensed hearing aid dispenser in charge of a permanent place of business, holding them responsible for all trainees working out of the location and making them responsible for all business records, is very poorly thought out. This section is a prime example of the bias this bill is attempting to establish against any company with more than one office, or against any company that provides hearing health care services in-home or to small town patients who do not have access to a local hearing aid office.

Several hearing aid dispensers in Montana are incorporated and operate multiple branch offices. Each of these branch offices is considered a permanent place of business and provides service to the people of the community in which it is located. These companies keep central record systems, do centralized accounting, and use a common paymaster. The dispensers who work in a particular office are employees and do not own the office. It is totally unreasonable to expect a company to turn over absolute control and responsibility for company property and patient files to an employee. It is also unreasonable to expect that any employee would accept total responsibility for these assets. In addition, this provision would make the office dispenser responsible for all of the activities of any trainee working out of that office even though the trainee may be sponsored by another licensed dispenser within the company who is by law responsible for the conduct of the trainee. This creates a confusing situation in which control of a trainee is uncertain at best and double jeopardy is probable.

The requirement that there be a licensed hearing aid dispenser in charge at a permanent place of business at all times is a thinly disguised attempt to eliminate in-home and small town service. A dispenser cannot be in charge of an office at all times unless they are in the office at all times. Most dispensers currently work both in and out of their offices and leave staff in the office who are qualified to do minor service, sell batteries, and etc., when they are not present. The staff can determine when a patient needs to see the dispenser and make an appointment. Under this proposed law, this would not be allowed as the dispenser would have to be present at all times and could not go out and do in-home service or do small town service centers without having to hire a second dispenser to staff the office. This is not only prohibitively expensive, but there are simply not enough licensed hearing aid dispensers available. The result is the closure of numerous branch offices, elimination of in-home and small town service, inconvenience, and greater expense to the hearing impaired patients of Montana. The only advantage is to the minority of hearing aid dispensers who operate single office practices and provide no outside service as they will see decreased competition.

3.) Page 4, lines 22 through 25, requires the medical waiver to be a separate receipt. It is a basic assumption of any business that when a person signs an agreement, they read it first. The standard practice in this industry is to include the medical waiver on the contract above the signature. This is adequate and has never caused a problem for anyone. The only possible result of this provision is to unnecessarily increase paperwork and as a result, expense to the hearing impaired patient.

4.) Page 6, line 15 through 17, provides that when an applicant fails two consecutive practical examinations, they must have two years of additional experience or training before they can apply for reexamination.

There is no evidence that the current procedure has caused any problems whatsoever. The only result of this provision is to make the licensing system more

restrictive, and thus, reduce the number of licensees. It is unrealistic to assume that any license candidate could afford not to work for two years or that they would work at some other job to support themselves while waiting until they could take the test again. This provision is also internally inconsistent with the rest of the bill as section 37-16-405 (c)(5)(a) still authorizes the Board to grant two renewals of the trainee license following failure of the practical exam. This is the current procedure and results in the candidate having three opportunities to take the practical exam.

5.) Page 7, lines 9 through 13: This provision to require 8 hours per week for 40 weeks of direct supervision represents the heart of the attempt to restrict access to the profession and to reduce the current level of in-home and small town service to the people of Montana. First, there is no evidence that current training procedures are causing any problems. Second, if there were any problems with training procedures, there is no evidence that this change, which is specifically designed to favor in office workers only, would have any beneficial effect.

Under the present rules, a sponsor must in effect provide close supervision and make final delivery and fitting for 60 days, after which the trainee may work under supervision but with more freedom. The 60 days of work at a normal 40 hour week provides 320 hours of instruction and experience. The proposed change will still require the same 320 hours of training but it will stretch it out to a period of 40 weeks. The proposed change does not change page 7, lines 16-17, which requires that the supervisor make delivery and final fitting during the direct supervision period. The result of this is to tie the supervisor to the trainee for ten months.

It is possible under the current system for a dispenser to spend 60 days working directly with a trainee both in the office and on the road working in homes and small town service centers and making deliveries. It is not possible, or economically feasible, for a dispenser to travel with a trainee for ten months to provide the same amount of training. This becomes even more impossible in light of item two of this discussion which ties the dispenser to his office for all practical purposes.

There is absolutely no reason to change these rules on training especially since the proposed change provides for no additional training. The only effect is to legislate the minority business practice into prominence by making it impossible for the major Montana hearing aid dispensers to train replacement staff. The result will be the virtual elimination of in-home hearing health care and small town service centers to the people of Montana and the gradual reduction in the already too small number of dispensers available to serve the public.

6.) Page 14, New Section 9, beginning on Line 11: This section would grant the Board of Hearing Aid Dispensers authority to order restitution of purchase price in addition to other disciplinary actions.

This is totally improper. The Board is organized under the Department of Commerce as a licensing board. It is improper for the Board to usurp the power and responsibility of the courts by making summary judgements in contractual matters. The only legitimate reason to order restitution is if there has been fraud, misrepresentation or some other improper act on the part of the dispenser. If this type of a problem has occurred then Montana has perfectly adequate legal remedies through the courts. In addition, the courts have the power to award full compensation plus costs and damages if appropriate. If a person has been wronged, they are entitled to full compensation and it is not in the best interest of the public that they should accept restitution less a $200 fitting fee just so the Board can exercise their authority.

7.) Page 14, Line 18, New Section 10: This section is intended to provide a mandatory thirty day trial period with provision for refund. . .

This is a very misunderstood concept that is regularly introduced by well meaning people who do not understand the reality of the situation. It is usually proposed as a consumer protection measure which it most definitely is not.

A hearing aid is only one part of an aural rehabilitation program designed to help a person with a hearing loss. It is not uncommon for a fitting to be adjusted several times. Sometimes a hearing aid must be completely remade, refit, or even changed to a different type. The vast majority of modern hearing aids are fully custom built to the needs of the individual patient. Even then the actual hearing aid is only one component of the process that includes testing, evaluation, fitting, counselling, adjusting, service, and etc. Thirty days does not even approach the actual time required to competently help a person with a hearing problem. In the case of a first time patient who has an advanced hearing loss, the process may take years to achieve satisfactory results. Anyone, especially anyone who claims to provide hearing health care services, who sincerely believes that a hearing aid is a simple consumer product that can be tried on like a pair of shoes and accepted or rejected within a month, is dangerous to the public. There is simply no reasonable way to determine, within any preset time period, if treatment is effective or not in every case.

The concept of a short thirty day trial period encourages a lack of proper treatment and indecision on the part of the patient. The existence of a thirty day trial period places pressure on the patient to make a decision on the effectiveness of treatment within an unrealistic time frame. It also encourages impatience and implies that treatment should be concluded and successful within this time. This results in patients who go to every dispenser in their area to try their hearing aids expecting a magic cure that is not possible. The result is people without proper hearing help and higher prices for everyone because of the number of custom built hearing aids returned for no real legitimate reason. There is no other product in the health care industry, or any other business, that is subject to this kind of a requirement. It is not right to single out one item to be subject to a thirty day trial period, and it is an especially poor idea to start with a product that requires professional fitting as part of an overall program. This can only cause confusion and lower the quality of hearing health care.

This section permits the return of a hearing aid, or related device, if it is defective in fit or function but makes no provision for how and by whom the defective condition is to be determined. There will unquestionably be honest and legitimate differences of opinion as to whether or not there is a defect in fit or function. The simple fact that a person decides they do not like something does not mean it is defective or that a dispenser has failed to correct a problem. Each and every claim under this section is subject to bringing the patient, the dispenser, and the Board into legal confrontation. Anytime the Board is involved in legal action, the taxpayer pays; this is not in the public interest.

The Board has all the power and authority it requires to oversee the ethical conduct of licensees. Any ethical licensee will deal fairly with patients or will face both board and court action. The Board does not need to be given powers that overlap the legitimate powers of the courts. This does not provide any additional consumer protection and only serves to increase confusion and expense to all parties.

This bill was introduced before this committee in essentially the same form as SB 299 during the 1989 session and was properly killed by the committee for most of the same

reasons as stated above. I ask that you carefully consider the consequences of this legislation and stop this bill from going any farther.

The Board of Hearing Aid Dispensers has all of the power and authority they need and are quite capable of handling legitimate problem areas by simple rule change.

In summary, this is a bad bill. It is poorly thought out, and every aspect will have a long term negative impact on the hearing impaired citizens of Montana. The only positive effect of the bill is to the self interest of the minority group of small in-office hearing aid dispensers who would personally benefit from the elimination of honest competition provided by Montana's major dispensers. Both the quality and the availability of hearing health care would suffer with the reduction of in-home and small town service. It would allow a minority special interest group to achieve through legislation what they are unable to achieve through other means. I strongly urge you to carefully consider the negative impact of this bill and to reject this bad legislation.

For the Montana Hearing Aid Society

Sincerely,

David E. Evans

David E. Evans
Ethics Committee Chairman, MHAS
Secretary, MHAS
Member, National Hearing Aid Society

WITNESS STATEMENT

Exhibit #18a
2-15-91 SB 200

NAME: Walt Hopkins DATE: 02-15-91

ADDRESS: 2311 Tenth Ave S.

PHONE: 406-761-0611

REPRESENTING WHOM? SELF - OWNER Prescription Design Inc.

APPEARING ON WHICH PROPOSAL: 200

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? L

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WITNESS STATEMENT

(5)

– Exhibit # 186
2-15-91 SB 200

NAME: Reg McCutcheon DATE: 2-15-91

ADDRESS: PO Box 1515 Hamilton

PHONE: 363-2224

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: 200

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ↘

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WILLIAM V. FOWLER
2806 Garfield, Suite G
Missoula, Montana 59801
(406)728-8799/1-800-446-3502

February 4, 1991

Legislative Council
Room 138
State Capitol
Helena, Montana 59620

SENATE HEALTH & WELFARE
EXHIBIT NO. 19
DATE 2/15/91
BILL NO SB 200

Dear Sirs:

Every two years the same small group of people beat the same drums crying public health. With this cry they try to enact a law that will in turn feather their bed in the hopes of controlling their competition.

These people went through college, got their degree and then found out the position they studied for, had been filled and there wasn't any opportunity for them in their chosen field.

Like any one else they started looking around for an opportunity where they could use some of their training as they tried to forge out a living in their second choice profession.

This is the story of the Audiologist Vs. the Hearing Aid Dispensing Professional.

Last year I hired an Audiologist from the U. of M., to work in the field with me in the hopes of bringing up the level of competence in our dispensing business. I thought maybe there was something he could do that could help us provide better service for our people. He is a great person, knew a lot about diseases of the ear, working with doctors etc. However, he had very little on hands dispensing knowledge or proper fitting of hearing aids. In short, in a clinic testing for diseases in the ear, or working with a doctor was all he was trained for. He personally told me over and over again that the University did not cover the actual dispensing of hearing aids, and certainly not dispensing in the home.

My experience in the hearing aid dispensing business goes back twenty six (26) years. For five and one half (5 1/2) years I owned a manufacturing and dispensing of hearing aid business, and for almost six (6) years was President of the Montana Hearing Aid Society.

About fourteen (14) years ago the Audiologist started encroaching into the dispensing of hearing aids, and the fight between the two camps has been going on ever since. It sort of reminds me of the fight that went on twenty five (25) or so years ago between the Opticians, and Optometrist. When the Optometrist received the title of Doctor by legislative action they immediately set out to put the lowly little Optician out of business. Why? They didn't want the competition because the Optician charged a lot less than the Optometrist.

The original Optometrist was not a doctor at all but was grandfathered in as one.

Today that field has leveled off because the Optometrist did not succeed in putting the Optician out of business by legislative acts. The Optician has been credited for keeping the price down for contacts and glasses. So who in the long run served the public better?

The average hearing aid dispenser has very little referrals from doctors to fit hearing aids, and none from Audiologists. He has to go in the field, the homes of the people that by and large don't wish to go to town and be bothered with going through the headache or expense of seeing a doctor or Audiologist. Some went through the medical evaluation, yet wish an in home hearing aid dispenser so they don't have to keep going back to town for service.

We now have a Senate Bill No. 200, submitted before you that is designed to put the present hearing aid dispenser out of business, because a few people can't compete with the average dispenser in the field or home.

They want the business to be forced to come to them, rather than a licensed person going to the people.

Many sections of this Bill would literally by themselves drive me out of business, let alone the Bill as a whole. This whole Bill must be defeated because its intent is to deprive legitimate business people the right of fair trade, the free enterprise system, along with their constitutional and civil rights.

If this Bill passes on its face, it violates state and federal law and will have to be challenged.

Below are some of my reasons for that statement:
The changes proposed in Section 1. 37-16-301 would cause major problems in the dispensing business, take for example "designation licensee in charge."

In the office I'm presently associated with, there are two other licensed hearing aid dispensers. Each of us are in association with each other only as independent contractors.

Each of us have our own individual corporation and we are not responsible to one another in any manner, except we share office facilities, secretary etc.

This law would make us designate one person to be responsible for the other two. My status would change from independent contractor to employee, or we would have to break up our association and go our separate way which would increase our expense.

All of us do 99.9% of our business out of the office and only need an office for a central message place and record keeping facility.

At present I'm in charge of myself, and if I have a trainee, I'm in charge and responsible for him. Never will I or my associates be responsible for another duly licensed dispenser or his trainees. The state licenses each dispenser, and he alone, should be responsible for his own acts along with the acts of his trainee.

The intent of the changes are three fold:

1. Force a designated licensed dispenser to remain in his office full time so he won't be competition to others in the field.

2. Force a designated licensed dispenser to do 40 weeks of in-office training on all new trainees, so that neither the trainee nor the trainor leaves the office.

3. Require the designated licensed dispenser to do nothing else but train that trainee full time 8 hours a day - 40 weeks per year, which would stop both of them from going into the field where the business is for the non-audiologists.

The changes here are designed to put the non-audiologist out of business and to make sure the only way a future person can be licensed is to go to the University and get a degree in Audiology.

Can you imagine what the public will have to pay for hearing aids in a couple of years?

In Section 2. 37-16-303 (1) (e) it states "a provision that maintenance service for the hearing aid or related device is available".

Do you mind telling me what this means? It is so vague the Board could order any type of maintenance program. Presently the Manufacture Warrants the aid usually for 1 year or 2 years and sometimes more.

Also, in (4) "the Board may establish and adopt minimum requirements for the form of bills of sales and receipts".

There is nothing wrong with the Board having the power to insert certain sentences or statements, but to give them unspecified powers that are so vague and unqualified, is to hand them power and control over a business.

In Section 4. 37-16-403 (2) "An applicant who fails two successive practical examinations may apply for re-examination after 2 years of additional experience or training."

Now the supervisor must come out of the field for 2 more years, 8 hours a day, 40 weeks per year to train and do nothing else.

Why is it they won't let the trainee take the test again at the next available time and allow him to keep doing it until the Board passes him? Are they saying the Board can't qualify him if he presents himself again for a new test?

Again the non-audiologist is being discriminated against without justifiable cause for the so called good of the public health. They are attempting to eliminate competition plain and simple.

The Board has been trying to insert "direct supervision" into this licensing law since just a few years ago when we last changed the law.

Here is the reason why:

At present general supervision of a trainee is all that is required by a licensed supervisor, even though that supervisor is responsible for all the acts of a trainee in the field.

In short the supervisor can decide when, where, and the type of training a trainee may get. He can have this training in the office, field, or classroom as he chooses.

Since the last changes in the law, complaints on trainees have gone down, but more people are being licensed each year. This causes more competition for everyone and some people don't like this. Get the picture!

Exhibit #19
2-15-91 SB 200

Now they want "direct supervision" "in the same place of business", meaning it has to be in the office.

Anyone can see the intent is to control competition, eliminate the trainee, tie the hands of the sponsor in his training methods so that the program that is successful will be eliminated.

The New Sections 9 and 10 are an attempt to set the Board, who is usually made up of competitors, as your judge and jury.

It tells me, that even though my client lives 300 miles from my office one way, that I can't charge one dime more for my fees upon a cancellation than the individual setting in his office. Why can't I negotiate this with my client?

The Justice Court, or District Court should retain the sole authority on restitution or the right to cancel, the Board does not have the legal expertise to officiate in these areas.

This letter is too long and yet there are a dozen other things that could be addressed. It is my hope you see the hopelessness of these attempted acts by a few people and will vote against this bill.

Please allow me to address these issues more completely at all hearings.

Thank you.

William Fowl

William V. Fowler

B 200, Wiseman
B 326, Keating
B 310, Yellowtail

DATE 2/15/91

COMMITTEE ON Public Health, Welfare & Safety

B 6, Witte-man
B 348, Eck

VISITORS' REGISTER

(1)

NAME	REPRESENTING	BILL #	Check One: Support	Oppose
Lorraine Tyckoski	self	200	✓?	
Evelyn V. Savage	Self	200	✓?	
William F. Fenker	Self	200		✓
BYRON RANDALL	SELF	200		✓
David E. Evans	Mt. Self and Hearing Aid Society	200		✓
Ben Hadsell	Helena MT	200	✓	
Reg Mc Gatchaan	Hamilton	200		✓
Walt Hopkins	Great Falls	200		✓
Kathryn Killen	Hearing Aid Institute	200		✓
Don Judge	Dept Family Services	436	✓	
Fred Galles	AARP	200	✓	
Stuart Klein	Region 4 Mental Health	326	✓	
BLALOCK, Jule N.	Self.	200	✓	✓
Don Hicks	Dept Institutions	326	✓	
Kaylene M. Jones	Mt. Mental Health Ads Council	326	✓	
Lorraine S. Shaw	MT Speech/Hearing Assn	200	✓	
Jeff Hungerford	MHAM & self	326	✓	
Bob Olsen	DDPLC	326	✓	
Darrell Mutch	Self	200	✓	
Pat Ingalls	self	200		
Jamie A. Small	self	200	✓	
[illegible]	self	200	✓	
Connie O'Connor	Leo Pfeifer Memorial Assn	310	✓	
LLOYD BARRON	NORTH AMERICAN INDIAN ALLIANCE	310	✓	
Kelly Moore	Board of Visitors	326	✓	
[illegible]	self	326	✓	

200, Vaughn
306, Keating
310, Yellowtail
326, Waterman
348, Eck.

DATE 2-15-91

COMMITTEE ON Sen. Public Health Welfare & Safety

(2)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Oppos
Ilona A Hladek	Mt Speech & Hearing Assoc.	200	↘	
Christian Grover	" "	200	✓	
Mark Eichler RPh FASCP.	MSPA	310		X
Kristi Johnson	MT Health Dept	310	✓	
Bob Ferris	H.D. #9	310	✓	
Virginia Barr Kendall	IHBS	310	✓	
Francis Balsgaard	Helena Indian Alliance	310	X	
Winston R. Wilson	MMHCA	306	✓	
Senator Vaughn		200	✓	
Janet Zvendorf	MT. Medical Assn	310	✓	
MARK LANGOORT	SELF	200	✓	
Mary McCue	MT. Mental Health Counselors	306	✓	
ZB Richard		200		X
Mona Jamison	MASHA	200	✓	
Jim Litt		200		X
Jack Ellery	MSPA	310		X
Linda Stoll Cunningham	Self	310	✓	
GAYLE SANDHOLM	ST PAUL'S UNITED METHODIST	310	✓	
Marta Bramble	HTA	310	✓	
Doug Kuntzweiler, M.D.	Myself	310	✓	
Donna M. Hanson	Indian Law Resource	310	✓	
Gary Fooks	JTPA	310	✓	

Amendments, Discussion, and Votes:

There being no objection the motion carried to adopt the amendments denoted in Exhibit #3.

Recommendation and Vote:

Senator Towe moved to pass SB 326 as amended. There being 1 nay by Senator Rye and 6 ayes the motion carried.

EXECUTIVE ACTION ON SENATE BILL 348

Motion:

Senator Towe moved adoption of the following language: on page 4, lines 24 and 25 following the word 'person' on line 24 strike "required to report" and insert "or agency receiving a report of".

Discussion:

Senator Towe said this language would mean that the recipient must file the report.

Amendments, Discussion, and Votes:

There being no objection the amendment was adopted.

Senator Towe suggested the committee not take final action on the bill pending another amendment to be submitted by the Department of Family Services.

EXECUTIVE ACTION ON SENATE BILL 200

Motion:

Senator Towe moved adoption of language on page 1, line 11 following line 10, inserting language that would allow the board of hearing aid dispensers authority to include rules defining the term 'related devices', add a statement of intent and rulemaking authority and add the necessary language to the title of the bill. Included in his motion was adoption of the amendments in Exhibit #4 and language in the statement of intent that specified what should be included under the term "related devices".

Discussion:

The chairman called upon Tom Gomez to explain the amendments denoted in Exhibit #4.

Senator Jacobson asked what the term 'related devices' referred to.

Senator Pipinich said the hearing aids are inserted in the ears. He said the one he wears on the Senate Floor is a device. Mr. Havdahl using a hearing detector. The term 'devices' needs to be included because their are other objects used besides the hearing aids inserted into the ear.

The chairman recognized Tom Gomez who suggested the committee may want to consider adding to the statement of intent language that specified what should be included under the term "related devices".

Amendments, Discussion, and Votes:

There being no objection the motion carried.

Motion:

Senator Hager moved adoption of an amendment on page 2, line 17 strike the words, 'at all times'.

Amendments, Discussion, and Votes:

Senator Towe suggested deleting the language on page 2, lines 12 through 17.

Senator Franklin said she agreed that putting an employee in the place of business at all times seemed to be hysterical. She said she was sure it came out of concern about problems from fly-by-night dispensers. She asked if the committee would feel comfortable just inserting a period (.) on line 17 after the words 'place of business'.

Senator Eck said the reason was because the consumers want a permanent place where they can go and find a place of business.

Senator Towe suggested adopting language that would require licensed hearing aid dispensers and trainees to have a permanent place of business.

Senator Hager said this group of business people need direction. He said there were 147 complaints.

Senator Pipinich suggested striking the language on page 2, line 17, 'at all times'.

There being no objection Senator Hager's amendment was adopted.

Senator Rye said he wears a hearing aid in noisy rooms. He said he does not wear it very often. It was sold to him by a dispenser and he said he has had very good service with it and was happy with it's performance. He said he lost 25 percent of his hearing in Viet Nam. He said his aid was sold by the kind of people this bill is aimed at and that he has been satisfied with the device. He said he thinks this bill is a restriction of business competition to some degree. He said he would vote 'no' on the bill.

Recommendation and Vote:

Senator Franklin moved SB 200 do pass as amended. There being 1 nay and 6 ayes the motion carried.

ADJOURNMENT

Adjournment At: 9:20 a.m.

SENATOR DOROTHY ECK, Chairman

CHRISTINE MANGIANTINI, Secretary

DE/cm

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date 2/16/91

NAME	PRESENT	ABSENT	EXCUSED
SENATOR BURNETT			X
SENATOR FRANKLIN	X		
SENATOR HAGER	X		
SENATOR JACOBSON	X		
SENATOR PIPINICH	X		
SENATOR RYE	X		
SENATOR TOWE	X		
SENATOR ECK	X		

SENATE STANDING COMMITTEE REPORT

February 18, 1991

MR. PRESIDENT:
We, your committee on Public Health, Welfare, and Safety having had under consideration Senate Bill No. 200 (first reading copy -- white), respectfully report that Senate Bill No. 200 be amended and as so amended do pass:

1. Title, line 7.
Following: "DEVICES;"
Insert: "PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF HEARING AID DISPENSERS;"

2. Page 1, line 11.
Following: line 10
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 11] grants the board of hearing aid dispensers authority to adopt rules consistent with the provisions of [sections 1 through 10].

It is the intent of the legislature that rules adopted by the board include rules defining "related devices" and other rules necessary to implement [sections 1 through 10].

It is specifically intended that, in adopting rules, the board define "related devices" to mean those parts, attachments, or accessories, as provided in 37-16-102, that are sold for use with a hearing aid by a licensed hearing aid dispenser. "Related devices" should include assistive listening devices and cordless infrared systems if sold by a hearing aid dispenser. However, the term "related device" should not include general merchandise items, such as hearing aid cleaners, cords, or batteries, that are commonly available at most drugstores, discount stores, or by mail order."

3. Page 2, line 17.
Strike: "at all times"

4. Page 3, line 16.
Following: "guaranty"
Insert: " and the right to cancel,"

5. Page 3, line 18.
Following: "guaranty"
Insert: " and the right to cancel"

6. Page 6, line 16.
Following: "examinations"
Strike: "may apply"
Insert: "is eligible"
Following: "after"
Insert: "a period of"
Following: "years"
Strike: "of"
Insert: " and the completion of"

7. Page 6, line 17.
Following: "additional"
Strike: "experience or"
Following: "training"
Insert: "or education recognized by the board"

8. Page 7, lines 9 through 13.
Following: "~~he~~" on line 9
Strike: remainder of line 9 through "trainee" on line 13
Insert: "the first 90 days under the direct supervision of the sponsoring licensed hearing aid dispenser during which time he"

9. Page 7, line 16.
Following: "aid"
Insert: "and related devices"

10. Page 7, line 17.
Following: "by"
Insert: "the trainee and"

11. Page 14, line 17.
Following: "exceed"
Strike: "$200"
Insert: "20% of the total cost of the hearing aid or related device"

12. Page 15, line 20.
Following: "exceed"
Strike: "$200"
Insert: "20% of the total cost of the hearing aid or related device"

13. Page 15, line 24.
Following: line 23
Insert: "NEW SECTION. Section 11. Rulemaking authority. The board shall adopt rules consistent with the provisions of [sections 1 through 10]. Rules adopted by the department may include, but are not limited to, rules defining the term "related devices" and other rules necessary to implement [sections 1 through 10]."
Renumber: subsequent sections

14. Page 16, lines 6 and 8.
Strike: "and 10"
Insert: "through 11"

Signed: Dorothy Eck
Dorothy Eck, Chairman

2-18-91
Amd. Coord.

SB 2-18 13:05
Sec. of Senate

SENATE HEALTH & WELFARE
EXHIBIT NO. 4
DATE 2/16/91
BILL NO. SB 200.

Amendments to Senate Bill No. 200
First Reading Copy

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
February 16, 1991

1. Title, line 7.
Following: "DEVICES;"
Insert: "PROVIDING RULEMAKING AUTHORITY TO THE BOARD OF HEARING AID DISPENSERS;"

2. Page 1, line 11.
Following: line 10
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 11] grants the board of hearing aid dispensers authority to adopt rules consistent with the provisions of [sections 1 through 10].

It is the intent of the legislature that rules adopted by the board include rules defining "related devices" and other rules necessary to implement [sections 1 through 10].

It is specifically intended that, in adopting rules, the board define "related devices" to mean those parts, attachments, or accessories, as provided in 37-16-102, that are sold for use with a hearing aid by a licensed hearing aid dispenser. "Related devices" should include assistive listening devices and cordless infrared systems if sold by a hearing aid dispenser. However, the term "related device" should not include general merchandise items, such as hearing aid cleaners, cords, or batteries, that are commonly available at most drugstores, discount stores, or by mail order."

3. Page 2, line 17.
Strike: "at all times"

4. Page 3, line 16.
Following: "guaranty"
Insert: " and the right to cancel,"

5. Page 3, line 18.
Following: "guaranty"
Insert: " and the right to cancel"

6. Page 6, line 16.

Following: "examinations"
Strike: "may apply"
Insert: "is eligible"
Following: "after"
Insert: "a period of"
Following: "years"
Strike: "of"
Insert: " and the completion of"

7. Page 6, line 17.
Following: "additional"
Strike: "experience or"
Following: "training"
Insert: "or education recognized by the board"

8. Page 7, lines 9 through 13.
Following: "~~he~~" on line 9
Strike: remainder of line 9 through "trainee" on line 13
Insert: "the first 90 days under the direct supervision of the sponsoring licensed hearing aid dispenser during which time he"

9. Page 7, line 16.
Following: "aid"
Insert: "and related devices"

10. Page 7, line 17.
Following: "by"
Insert: "the trainee and"

11. Page 14, line 17.
Following: "exceed"
Strike: "$200"
Insert: "20% of the total cost of the hearing aid or related device"

12. Page 15, line 20.
Following: "exceed"
Strike: "$200"
Insert: "20% of the total cost of the hearing aid or related device"

13. Page 15, line 24.
Following: line 23
Insert: "NEW SECTION. **Section 11. Rulemaking authority.** The board shall adopt rules consistent with the provisions of [sections 1 through 10]. Rules adopted by the department may include, but are not limited to, rules defining the term "related devices" and other rules necessary to implement [sections 1 through 10]."
Renumber: subsequent sections

14. Page 16, lines 6 and 8.
Strike: "and 10"
Insert: "through 11"

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:08 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATORJACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary Chairman

Motion: Senator Towe moved adoption of language on page 1, line 11 following line 10, inserting language that would allow the board of hearing aid dispensers authority to include rules defining the term related devices, adding a statement of intent and rulemaking authority and adding the necessary language to the title of the bill and adding language in the statement of intent that would specify what should be included under the term related devices and adoption of the amendments denoted in Exhibit #4.

1989

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:16 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATORJACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary Chairman

Motion: Senator Hager moved adoption of an amendment on page 2, line 17, strike the words, 'at all times '. There being no objection the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date February 16, 1991 S Bill No. 200 Time 9:19 a.m.

NAME	YES	NO
SENATOR BURNETT		
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATORJACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE		X
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary Chairman

Motion: Senator Franklin moved to pass SB 200 as amended. There being 6 ayes and 1 nay the motion carried.

1987

July 1, 1989, Great Falls cut back over 30 positions, over $900,000 to the City of Great Falls because of tax breaks. Since then, Great Falls has been living on the increase of gambling revenue. We don't have opposition to the purpose of this bill, but we can't afford to give the money out of our local government.

Shelly Laine, Director Administrative Services, City of Helena, stated that we opposed HB 676.

Curt Chisholm, Director, Department of Institutions, stated that he is a reluctant participant in this bill. DOI is responsible for providing services in the areas of health corrections, mental health; and chemical dependency. If the committee decides to hand the responsibility to DOI, DOI is the best place to put it. The bill clearly needs to be amended to give DOI at least one years lead time in order to incorporate prevention in centers for in-patient and out-patient programs to develop the appropriate credential needs.

REP. DAVE BROWN, stated that this will allow DOI to get into this area and recommend to the legislature next session how we should fund this program. We need something like a DUI task force as a type of structure in local governments so that when there are problems like this the local government entities have the kind of ability, in conjunction with the DOI to deal with this problem as they do with alcohol and drug problems.

Larry Akey, Gaming Industry Association of Montana (GIAM), stated that as an industry GIAM recognizes that for some people the form of entertainment that we have to offer becomes more than recreation.

Questions From Committee Members: None

Closing by Sponsor:

REP. FORRESTER stated that there is a problem and a need for this program. We have programs for addicts of all types. This is societies problem as well as a personal problem. We need DOI to get a program in line. The gaming industry needs to recognize that a problem is there because of their industry. That industry should pay the cost to society and we should not take it out of the General Fund. This is a problem the gaming industry has to deal with.

HEARING ON SB 200

Presentation and Opening Statement by Sponsor:

SEN. ELEANOR VAUGHN, Senate District 1, Libby, stated that this bill is a consumer protection bill. The purpose of this bill is to assure hearing impaired persons and their families some quality and health care. The loss of hearing and its result of impact on communication easily segregates the hearing impaired

person from their family, friends and colleagues. This bill revises the licensing, record keeping, training, requirements for hearing aid dispensing, and providing consumer protection for purchases of hearing aids and dispensers. This is not to cause a problem with the properly operated hearing aid and related hearing devices and there are many of those. This protects the public from those who are not properly trained. The Hearing Aid Licensed Board received complaints continually. This will assure that there is a thirty day guarantee in which a customer can cancel the contract and get a refund of money if it doesn't work.

Proponents' Testimony:

REP. CAROLYN SQUIRES stated that she is a health care provider and most of her nursing care has been involved with senior citizens in the State of Montana.

Evelyne Paugh, consumer, stated that the consumers should be protected because salespeople approach the consumers all of the time.

Lorraine Sedahl, consumer, stated that she supports this bill.

Ben Havdahl, Board of Hearing Aid Dispensers, submitted written testimony. EXHIBIT 8

Dorothy Lucas, self, stated that her mother has been approached by these salespeople. Her mother wears a hearing aid, but can only wear one. The salespeople keep bothering her by telling her mother that she needs both hearing aids, so her mother wrote a check for two aids just to get rid of the salesperson.

Floyd McDowell, self, stated that he is 67 years old and 62 of those years, he has spent in a personal or professional association with people who have hearing problems. The previous incidences are incidences that he has heard over the past 62 years.

Darrell Micken, Hearing Aid Dispenser, stated that he has been involved with this particular law since 1969 when it was first written. This will provide consumer information so the consumers have some type of form consent that they can provide for. This provides for a much stricter supervision for a trainee. It provides for accountability for agencies selling hearing aids. It increases the boards efficiency. There are housekeeping measures in the bill also.

Pat Ingles, self, stated that for the last two years she served on the Board of Hearing Aid Dispensers. There is a need to establish accountability in order to solve this. This is a consumer protection bill. She submitted written testimony. EXHIBIT 9

Glen Kladek, Montana Speech Language and Hearing Association,

stated that they support SB 200.

Mona Jamison, Montana Association of Speech Pathologist, stated that they support SB 200. She submitted testimony. EXHIBIT 10

Janet Barrett, Audiologist, Hearing Conservation Program, submitted written testimony. EXHIBIT 11

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

SEN. VAUGHN stated that this will protect the legitimate businesses from those who are causing this problem. This bill would be good protection for the consumer.

HEARING ON SB 371

Presentation and Opening Statement by Sponsor:

SEN. JUDY JACOBSON, Senate District 36, Butte, stated that this bill provides that Well Child Care for Children under the age of two would be mandated. It is a mandated benefit and there are costs associated with it. We have estimated that it would be $1.75. We have amended the bill to parallel a Well Child Care Provision in the Governor's package. Both of these programs cover Well Child Care for Children under two and beyond in the case of Medicaid. This is a very cost effective mandated benefit. The amounts that are paid to Medicaid recipients are about $122 the first year and $73 the second year. It would be $195, which is slightly higher the first year and $100 in the second year. We are allowing copayments so that would bring it down closer. This has to be looked at different than other mandated benefits, because it is a mandated benefit for preventive care and the costs are very easily defined.

Proponents' Testimony:

Paulette Kohman, Montana Council for Maternal and Child Health, submitted written testimony. EXHIBIT 12 & 13

Jerome Loendorf, submitted written testimony for Jeffrey H. Stickler, M.D., American Academy of Pediatrics, Montana Chapter. EXHIBIT 14

Judith Carlson, Montana Chapter, National Association of Social Workers, urged the committee to pass the bill because it is a cost effective program that social workers see children need.

Jan Wright, Montana Education Association, submitted written testimony. EXHIBIT 15

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL DATE 3-8-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR	✓		
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN	✓		
REP. ROYAL JOHNSON	✓		
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE			
REP. JIM RICE	✓		
REP. SHEILA RICE	✓		
REP. WILBUR SPRING	✓		
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

EXHIBIT 8
DATE 3-8-91
SB 200

March 8, 1991

SB 200 - Before the House Human Services and Aging Committee

Ben Havdahl, Member,Board of Hearing Aid Dispensers

Madam Chairman and members of the committee. For the record my name is Ben Havdahl and I reside in Helena.

I am currently the member of the Board of Hearing Aid Dispensers classified as "the public member who is not in the hearing health care field". I was appointed in June, 1989 and reappointed for a three year term in July, 1990 by Governor Stephens.

Although the Board of Hearing Aid Dispensers has not officially taken a position on SB 200, I, for one, have some strong feelings in support of certain provisions of SB 200 of the bill designed to give more protection to the consumer. These are personal views but they are views from the perspective of my position and experience on the Board. I would like to thank this committee for this opportunity to express my views.

As a Board member, I support the amendments to this bill by the Senate Public Health Committee granting rule making authority in Section 11. That will certainly assist the Board in the enforcement and clarificiation of this bill.

As many of you know, I am severally hard-of-hearing. I have a decibel threshold of 90 decibels in one ear and 89 in the other. When you consider that normal conversation can be readily heard and understood at about 15 decibels, you can see that I am bound and have been bound to be a wearer of hearing aids and assistive listening devices for at least the rest of my life.

I can say that it is no small unimportant matter, or responsibility that this Legislature has for the estimated 29,000 hard-of-hearing people with a significant bilateral hearing loss in the state who must, like myself, rely on hearing aids and/or assistive listening devices to function in a near normal capacity when attempting to understand verbal communication.

Those of us who find ourselves with this "invisible handicap" also find ourselves desperately seeking, at times, any and every possible solution and assistance, usually in a vain attempt to overcome or solve our problem .

As a result of our struggle to remain in the hearing world we sometimes fall as an easy prey to some unscrupulous persons seeking to make a quick buck by selling us hearing aids along with a promise that they will be a panacea for the resolve of our problem. A resolve at an expensive price I might add. Usually a pair of hearing aids cost anywhere from $1,500 to $2,000 and more, depending on the type of aid, who is selling them and what brand they may be.

For an awful lot of people, usually our older seniors, that is a great deal of money and when we find ourselves burned and or cheated we become desperate in seeking some sort of recourse. It becomes a price that we find ourselves having to pay for hearing restoration. And many people, I feel, let it go at that because of not knowing what to do about it.

Now having said all that, I want to make it clear just to whom those comments are aimed. First of all they are not aimed at the professional hearing aid dispensers that are represented by the vast majority of persons licensed under the hearing aid dispensers act. There are the professional audiologists and professional non audiologist dispensers. I have been privileged to work with many of both and have great respect for them and their pursuit of service for hard of hearing persons in Montana.

There are those dispensers, in my experience and opinion, who fortunately represent the small minority that do not seem to have regard for a professional approach for their business and therefore require more assistance from the State to insure they operate as they should. That is what some of SB 200 is all about. At least from my perspective it is.

I would like to go on record in general support of the bill and all its provisions especially those aimed at protecting the consumer of hearing aids.

Specifically the proposed provisions in Section 2 dealing with the requirements for a bill of sale and receipt requirements. Sub paragraph (5) requiring that all purchase agreements or bills of sale contain the statement that all consumers with questions about their rights contact the Board for information is a good policy. The only question I have relates to the limited staffing of the Board, (one person handling the Hearing Aid Board and many other Boards) and the ability to handle this work load.

It would appear this requirement will have the effect of increasing the inquires. That is good. Handling them may be an other matter. I strongly support the amendments in Section 8 of SB 200 clarifying the grounds for suspension and/or revocation of licenses. The Board needs these clarifications in order to more effectively enforce the provisions of the present law.

Madam Chair, I would particularly urge the passage of SB 200, if no other reason, than to adopt into law Sections 9, the requirement for possible restitution to a purchaser of the purchase price of a hearing aid or device and Section 10 of bill, giving the purchaser a thirty day trial period and right to cancel the sale for good cause. The provisions of this section detailing the good cause for refunds and requirements that both the purchaser and dispenser have to meet are fair and just and are long over-due in my opinion.

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90% of the complaints the Board receives from purchasers of hearing aids are from people who are demanding satisfaction after a sale and get either a "no response" or a "put-off" response from a dispenser. The lack of proper servicing is an easy path to follow because there is little risk to the dispenser if the purchaser's complaints are simply ignored. Many times the Board finds itself unable to effectively deal with many problems that center around demands for refunds and restitution. These complaints would disappear, in my opinion, if dispensers were required to give purchasers a 30 day trial period.

Many dispensers do that now. Not because they have to but because it is ethical and good public relations to do so. Others use form contracts that provide the purchasers with a "three day money back period from the date of the signing of the contract. This is always long past by the time the hearing aids are actually delivered, fitted, adjusted and the purchases has a chance to adjust to their use in real life situations.

For the benefit of the Committee, I would like to provide copies of summaries of complaints from the Board's files over the last five years that could have been more effectively dealt with by Board if Section 9 and 10 had been part of our law all along. This summary of complaints reflects a total of 127 for about 102 licensees over the past five year period. These are not all the complaints, but a representative sampling of the types I have just described.

Thank you again for this opportunity to speak on SB 200.

EXHIBIT O
DATE 3-8-91
SB 200

THE NATIONAL INFORMATION CENTER ON DEAFNESS
GALLAUDET COLLEGE

ESTIMATES OF THOSE WITH HEARING LOSSES

Geographic Area	Total General Population *	Hearing Impaired	Significant Bilateral Loss	Deaf	Prevocationally Deaf
NORTHEAST U.S.					
Maine	1,124,000	67,000	29,000	8,000	2,000
New Hampshire	919,000	55,000	23,000	6,000	2,000
Vermont	511,000	31,000	13,000	4,000	1,000
Massachusetts	5,728,000	342,000	146,000	40,000	10,000
Rhode Island	946,000	57,000	24,000	7,000	2,000
Connecticut	3,096,000	185,000	79,000	22,000	5,000
New York	17,508,000	1,046,000	446,000	122,000	30,000
New Jersey	7,342,000	439,000	187,000	51,000	13,000
Pennsylvania	11,828,000	707,000	301,000	82,000	20,000
NORTHCENTRAL U.S.					
Ohio	10,772,000	707,000	363,000	104,000	26,000
Indiana	5,461,000	358,000	184,000	53,000	13,000
Illinois	11,355,000	745,000	383,000	110,000	27,000
Michigan	9,239,000	606,000	311,000	89,000	22,000
Wisconsin	4,696,000	308,000	158,000	45,000	11,000
Minnesota	4,069,000	267,000	137,000	39,000	10,000
Iowa	2,909,000	191,000	98,000	28,000	7,000
Missouri	4,906,000	322,000	165,000	47,000	12,000
North Dakota	652,000	43,000	22,000	6,000	2,000
South Dakota	688,000	45,000	23,000	7,000	2,000
Nebraska	1,565,000	103,000	53,000	15,000	4,000
Kansas	2,356,000	155,000	79,000	23,000	6,000
SOUTHERN U.S.					
Delaware	595,000	40,000	20,000	5,000	1,000
Maryland	4,198,000	286,000	143,000	38,000	8,000
Washington, DC	635,000	43,000	22,000	6,000	1,000
Virginia	5,323,000	362,000	181,000	48,000	10,000
West Virginia	1,931,000	131,000	66,000	17,000	4,000
North Carolina	5,848,000	398,000	199,000	52,000	11,000
South Carolina	3,070,000	209,000	105,000	27,000	6,000
Georgia	5,404,000	364,000	184,000	48,000	11,000
Florida	9,580,000	652,000	326,000	86,000	19,000
Kentucky	3,643,000	248,000	124,000	33,000	7,000
Tennessee	4,546,000	309,000	155,000	41,000	9,000
Alabama	3,870,000	263,000	132,000	35,000	8,000
Mississippi	2,511,000	171,000	86,000	22,000	5,000
Arkansas	2,284,000	155,000	78,000	20,000	4,000
Louisiana	4,200,000	286,000	143,000	38,000	8,000
Oklahoma	3,001,000	204,000	102,000	27,000	6,000
Texas	14,174,000	965,000	483,000	127,000	28,000
WESTERN U.S.					
Montana	784,000	56,000	29,000	7,000	2,000
Idaho	944,000	68,000	35,000	9,000	2,000
Wyoming	469,000	34,000	17,000	4,000	1,000
Colorado	2,882,000	207,000	106,000	27,000	6,000
New Mexico	1,295,000	93,000	48,000	12,000	3,000
Arizona	2,719,000	195,000	100,000	25,000	5,000
Utah	1,459,000	105,000	54,000	14,000	3,000
Nevada	800,000	57,000	29,000	7,000	2,000
Washington	4,115,000	295,000	151,000	38,000	8,000
Oregon	2,618,000	188,000	96,000	24,000	5,000
California	23,545,000	1,688,000	864,000	219,000	46,000
Alaska	400,000	29,000	15,000	4,000	1,000
Hawaii	965,000	69,000	35,000	9,000	2,000

* U.S. Bureau of the Census, April 1980.

Hearing Impaired = any degree of hearing loss in one or both ears.
Significant Bilateral Loss = those hearing impaired who have substantial difficulty hearing in both ears.
Deaf = cannot hear and understand speech.
Prevocationally Deaf = those who became deaf prior to 19 years of age.

3-8-91

Exhibit 9 contains 8 letters supporting SB 200. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

EXHIBIT 10
DATE 3-8-91
SB 200

DEPARTMENT OF COMMERCE

PUBLIC SAFETY DIVISION

STAN STEPHENS, GOVERNOR

111 N. JACKSON

STATE OF MONTANA

HELENA, MONTANA 59620-0407

MEMORANDUM

3/7/91

TO: Mona Jamison/ Lobbyist

FROM: Steve McRoy/Chief
POL Bureau

RE: Hearing Aid Dispensers/ Complaints

Per your request, please find numbers of complaints filed with the Board of Hearing Aid Dispensers from 1986 to present as provided to me by the administrative assistant to that Board.

1986---31
1987---43
1988---21
1989---25
1990---21
1991----7

The complaint log which identifies the nature of each complaint indicates that the vast majority of these complaints related to problems of improper fit and/or service.

I hope you find this information helpful. If you need more information, please do not hesitate to contact me at 444-1488.

EXHIBIT 10
DATE 3-8-91
SB 200

OFFICE OF THE COUNTY ATTORNEY

County of Hill

P.O. BOX 912
HAVRE, MONTANA 59501-0912
265-4364

DAVID G. RICE
COUNTY ATTORNEY

PATRICIA JENSEN
DEPUTY COUNTY ATTORNEY

March 5, 1991

Chairman Angela Russell
House Human Services and Aging Committee
Power Block Building, Suite 4L
Helena, MT 59601

RE: Senate Bill 200

Dear Chairman Russell:

At the request of some of my constituents in Hill County, I'm writing to you to support the passage of Senate Bill 200. AS I understand the bill, it will provide some consumer rights to individuals who purchase hearing aids and other related devises in Montana. The ability to cancel a sale within thirty days of the delivery of a defective aid or the dealer's failure to correct problems is important. The extra powers is gives the board of hearing aid dispensers is also a necessary addition as the board, at this time, appears to be limited to pressure rather than actual legal authority to require refunds. The advise of rights would also be important because many of these people are so emotionally involved in improving their hearing that they just don't stop to think what they're getting into. The advise of rights would help in causing them to stop for a minute and ponder the situation.

I haven't had a lot to do with hearing aid dispensers in this area. However, last spring, I had at least three persons coming to me who complained of an out-of-area dispenser. I worked with those people and was frustrated with my responses from the hearing aid dispenser. I then requested the board of hearing aid dispensers to get involved and turned the matter over to them after complaints were signed by the constituents. I understand that they got some satisfaction out of the matter, but felt very frustrated about the difficulties they had in getting any settlement. Because of the inherent conflict between the testing of hearing and the selling of aids which is present with most of the hearing aid dispensers who have trouble with their clients, I think this regulation is necessary. More than one audiologist has told me that they can't reconcile the conflict between testing of hearing and selling of aids so they therefore only test hearing. Many of the persons I've spoken to have been told by doctors and audiologists that they

EXHIBIT 10
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SB 200

can't improve their hearing but aid dispensers insist that new equipment has arrived to change all that. When a person buys the aid and then finds out that is not true, they not only feel defrauded, but ashamed at their willingness to do anything to improve their hearing.

Your consideration of these comments and others that I'm sure you'll receive are greatly appreciated. This bill will empower a part of our citizenry that at this stage is at a great disadvantage against the companies which are pressuring them into buying hearing aids.

Very truly yours,

DAVID G. RICE
HILL COUNTY ATTORNEY

DGR:teb

cc: Bob Bachini
Ray Peck

EXHIBIT 10
3-8-91
S. 200

EASTERN MONTANA COLLEGE

1500 North 30th Street, Billings, MT 59101-0298 Montana Center for Handicapped Children 406/657-2312

February 7, 1991

I have received and reviewed the draft of Senate Bill No. 200 proposing revisions in the licensing, record keeping, and training requirements for hearing aid dispensers and providing consumer protection for purchasing hearing aids and related devices. As an audiologist who doesn't dispense hearing aids, I refer my clients to licensed hearing aid dispensers if they are in need of amplification.

From my professional point of view, the proposed changes regarding trainees and their sponsors not only help to protect the consumer, but also benefit the trainee. The changes in Section 2 regarding the Bill of Sale will certainly clarify the consumers' rights and the follow up they are entitled to with the purchase of the hearing aid or related device.

I strongly support the changes proposed in Senate Bill No. 200.

Tina Hoagland

Tina Hoagland, M.A., CCC-A
Montana Center for Handicapped Children
657-2039

DATE 3-8-91
SB200

BILLINGS CLINIC

Testimony regarding Senate Bill 200

An estimated 25-30% of Montanans over the age of 65 have some degree of hearing impairment that might benefit from the use of hearing aids or other hearing devices. The population under the age of 65 are also becoming aware of how hearing aids and hearing devices can benefit their varying degrees of loss.

A significant portion of our population would be positively affected by a stronger hearing aid licensure law. The proposed mandatory 30 day return privilege will place the consumer more in control of his or her hearing aid purchase. Often a person doesn't know if he or she would like to purchase amplification. Because of this indecision, a person will often go without a device rather than risk a significant amount of money. Another common occurance is that of someone spending thousands of dollars searching for better products that may, in fact, not exist. When a mandatory return privilege is granted, a consumer is more encouraged to work with his or her dispenser to obtain a satisfactory hearing aid fit.

The contracts signed with the purchase of hearing aids and other hearing devices are currently different for nearly every dispenser and often unclear to the consumer. A more standardized contract, with guidelines from the Board of Hearing Aid Dispensers would benefit both the consumer and the dispenser. All information regarding the trial period, refunds available and product warranties should be included on the contract.

Finally, the consumer and the hearing aid industry will both be positively impacted by strengthening the dispenser training requirements. Many of the questions and complaints addressed by the Board of Hearing Aid Dispensers concern the practice of Hearing Aid dispensers with trainee licensure status. Very few professions will allow for someone to practice a trade for years without showing some sort of competency through practical and written examinations. The number of failures allowed for the examinations need to be reduced as does the time allowed between reexaminations. Should a trainee have difficulty completing the examination successfully, it only stands to reason that a certain amount of more formalized training should be required.

Strengthening the licensing requirements for Hearing Aid dispensers through the complete approval of Senate Bill 200 will positively impact the hearing impaired population in Montana.

Kristy Foss M.C.S.D.
Audiologist CCC

Billings Clinic Downtown
2825 8th Avenue North
P.O. Box 35100
Billings, MT 59107-5100
(406) 256-2500

Billings Clinic Heights
100 Wicks Lane
P.O. Box 35104
Billings, MT 59107-5104
(406) 256-2575

Billings Clinic West
Lamplighter Square
2675 Central Ave.
Billings, MT 59102
(406) 652-1598

Billings Clinic Red Lodge
10 South Oakes
P.O. Box 1130
Red Lodge, MT 59068
(406) 446-2412

Billings Clinic Columbus
4th Avenue & A Street
P.O. Box 239
Columbus, MT 59019
(406) 322-4542

Montana Toll Free 1-800-332-7156 Toll Free 1-800-458-6634

Exhibit 10 also contains 35 pages of complaints filed with the Board of Hearing Aids. The originals are stored at the Montana Historical Society, 225 North Roberts, Helena, MT 59601. (Phone 406-444-4775)

EXHIBIT 11
DATE 3-8-91
SB 200

REGIONAL HEARING PROGRAM

March 4, 1991

SPECIAL EDUCATION DEPARTMENT
Butte School District No. 1
Director: Richard Carlson

SPECIAL SERVICES CENTER
Helena School District No. 1
Director: Marion Evenson

OFFICE OF PUBLIC INSTRUCTION
Hearing Conservation Program
Superintendent: Nancy Keenan

US WEST FOUNDATION
Rural Speech & Hearing
Outreach Program

SERVING COUNTIES:

Beaverhead
Broadwater
Deer Lodge
Granite
Jefferson
Lewis & Clark
Madison
Meagher
Powell
Silver Bow

To Whom It May Concern:

I am writing to urge your support for Senate Bill 200. I am the audiologist for the school hearing conservation program based out of Helena and Butte. I do not dispense hearing aids but I do evaluate many children. One incident stands out in my mind that may help illustrate the need for Senate Bill 200. A 10 year old child was brought in for a hearing evaluation by his mother. His mother said, very proudly, that she was busy saving up the $1800 she would need to purchase two hearing aids for her son. Her son's hearing was tested at a free hearing screening by a local hearing aid dispensing firm. The dispenser recommended two hearing aids after this screening.

The hearing evaluation I conducted indicated that the child had normal hearing in one ear combined with a significant hearing loss in the other. Apparently, this particular company was planning to fit this child with two hearing aids which, as common sense will tell you, is totally inappropriate. "Inappropriate" of course, hardly describes it. This child's normal hearing could easily have been damaged by amplification resulting in a far worse communicative and educational handicap.

Please support HB 200. This is an essential consumer protection bill.

Sincerely,

Janet Barrett

Janet Barrett M.A.
Audiologist
Hearing Conservation Program

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. SB 200

DATE 3-8-91 SPONSOR(S) Sen. Vaugn

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
David E. Evans	Self	SB 200	X	
WALTER G. Hopkins	SELF	SB 200	X	
BYRON RANDALL	Self	SB 200	X	
Darrell J. Micken	Self	SB 200		X
Lorraine Sackett	Self - consumer	SB 200		X
DOROTHY LUCAS	~~SELF~~ A MOTHER	SB 200		X
Marian Schendel	Mother	SB 200		X
Evelyne Pregeau	Self & Consumer	SB 200		X
Kit Hughes	Self	SB 200		X
GLENN A. Hladek	Montana Speech-Language-Hearing Assoc.	SB 200		X
CHRISTIAN GROVER	" "	SB 200		X
Terry Krantz	Medicaid, SRS	SB 200	Questions	
Floyd J. McDowell	Health Service People	SB 200		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. SB 200

DATE 3-8-91 SPONSOR(S) Sen. Vaugn

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Ben Havdahl	Self Handicapped	SB 200		X
Mark Landsdown	Gertrude Gullickson	SB 200		X
Mona Jamison	Vol. Director of Speech Pathologist + Audiologist	SB 200		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

3-9-91

No minutes were recorded for executive action on SB 200.

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL DATE 3-9-91

NAME	PRESENT	ABSENT	EXCUSED
REP. ANGELA RUSSELL, CHAIR	✓		
REP. TIM WHALEN, VICE-CHAIR		✓	
REP. ARLENE BECKER	✓		
REP. WILLIAM BOHARSKI	✓		
REP. JAN BROWN	✓		
REP. BRENT CROMLEY	✓		
REP. TIM DOWELL	✓		
REP. PATRICK GALVIN	✓		
REP. STELLA JEAN HANSEN		✓	
REP. ROYAL JOHNSON		✓	
REP. BETTY LOU KASTEN	✓		
REP. THOMAS LEE	✓		
REP. CHARLOTTE MESSMORE			✓
REP. JIM RICE		✓	
REP. SHEILA RICE	✓		
REP. WILBUR SPRING		✓	
REP. CAROLYN SQUIRES	✓		
REP. JESSICA STICKNEY	✓		
REP. BILL STRIZICH	✓		
REP. ROLPH TUNBY	✓		

CS05HUMSER.MAN

Jeanne

10 - 5
3-4-9
TDF

HOUSE STANDING COMMITTEE REPORT

March 9, 1991
Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 200 (third reading copy -- blue) be concurred in .

Signed: _____
Angela Russell, Chairman

Carried by: Rep. Squires